



PLANNING *and* INSPECTIONS

Cy Stober, AICP, Director | cstober@orangecountync.gov | 131 W. Margaret Lane, Hillsborough, NC 27278 | 919.245.2575

AGENDA
ORANGE COUNTY BOARD OF ADJUSTMENT (BOA)

WHITTED BUILDING
300 WEST TRYON STREET
HILLSBOROUGH, NC 27278

Wednesday, June 4, 2025
7:00 p.m.

- 1. CALL TO ORDER**
- 2. CONSIDERATION OF ADDITIONS TO AGENDA**
- 3. APPROVAL OF MINUTES**
December 11, 2024, Meeting Minutes
- 4. PUBLIC CHARGE**

The Board of Adjustment pledges to the citizens of Orange County its respect. The Board asks its citizens to conduct themselves in a respectful, courteous manner, both with the Board and with fellow citizens. At any time should any member of the Board or any citizen fail to observe this public charge, the Chair will ask the offending person to leave the meeting until that individual regains personal control. Should decorum fail to be restored, the Chair will recess the meeting until such time that a genuine commitment to this public charge is observed. All electronic devices such as cell phones, pagers, and computers should please be turned off or set to silent/vibrate.

The Board of Adjustment is a quasi-judicial administrative body established in accordance with the provisions of local regulations and State law to perform specified functions essential to the County's planning program. Action(s) taken by the board are based solely on competent, substantial, and material evidence presented during a previously scheduled and advertised public hearing on a specific item. As detailed within Section 2.12.2 of the UDO the Board chair reserves the right to exclude evidence and testimony that is deemed: 'incompetent, irrelevant, immaterial, or unduly repetitious' and therefore fails to reasonably address the issues before the Board of Adjustment. While it should be noted there is no time limit on the presentation of evidence, the Chair asks that the presentation of evidence be consistent with established policies, rules of procedure, and acceptable levels of decorum to ensure a fair and equitable hearing for all parties.

5. POTENTIAL BOA CONFLICT OF INTEREST STATEMENT

It is the duty of every Board member to avoid both conflicts of interest and appearances of conflict. Board members having any conflicts of interest or appearances of conflict with

respect to matters before the Board should identify the conflict or appearance of conflict and refrain from undue participation in the matter involved.

As a reminder, NC General Statute § 160D-109 establishes the following standard: A member of any board exercising quasi-judicial functions pursuant to this Chapter shall not participate in or vote on any quasi-judicial matter in a manner that would violate affected person's constitutional rights to an impartial decision maker. Impermissible violations of due process include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change, undisclosed ex parte communications, a close familial, business, or other associational relationship with an affected person, or a financial interest in the outcome of the matter.

6. CASES:

A-3-25 – To review Special Use Permit Modification (Case Number SUP25-0002)

Modification request to an approved Site Plan associated with an approved Recreational Facility Special Use Permit (SUP) (Case A-4-20). Request submitted by Vishwanath A Patil and Vinitha J Cardoza. The request includes proposed changes to the conditions regarding seasonal play in the original SUP and a site plan revision proposing the addition of accessory structures for maintenance and on-site service facilities. All other aspects of the original SUP remain in place.

The site is located at Orange County PIN: 9758-52-5171, along Old Greensboro Road and Holly Creek Lane.

7. ADJOURNMENT

MINUTES
BOARD OF ADJUSTMENT
REGULAR MEETING
December 11, 2024

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MEMBERS PRESENT: Leon Meyers, Chair
Beth Bronson, Vice Chair
Jeff Scott, Member
Greg Niemiroski, Member
Kyle Myers, Alternate

MEMBERS EXCUSED: Nathan Robinson, Member
Holly Fraccaro, Alternate

LIST OF APPLICANTS: David Cates, Cates Design + Engineering
Ron Geib, Owner
Bo Howes, Triangle Land Conservancy
Matt Rutledge, Triangle Land Conservancy
Marty Jorgensen, Schoolhouse of Wonder
David Swanson, Swanson + Associates Landscape Architecture
T.C. Morphis, Brough Law Firm
Lydia Lavelle, Brough Law Firm

PUBLIC: None

STAFF PRESENT: Cy Stober, Director, Planning and Inspections
Patrick Mallett, Deputy Director, Development Services
Taylor Perschau, Manager, Current Planning and Zoning
Lauren Honeycutt, Planner II
Jack Moran, Planning Technician
Morgan Pierce, Staff Attorney

AGENDA ITEM 1: CALL TO ORDER

Leon Meyers called the meeting to order at 7:02 PM

AGENDA ITEM 2: CONSIDERATION OF ADDITIONS TO AGENDA

Leon Meyers: Everybody's ready, we'll go ahead and get started. Any changes to the agenda, staff folks, or Board members?

AGENDA ITEM 3: APPROVAL OF MINUTES

Leon Meyers: Then the first order of business is approval of the minutes. If everybody's had a chance to review those, a motion would be in order.

Beth Bronson: Motion to approve the November minutes.

Greg Niemiroski: Second.

1
2 Leon Meyers: Any discussion changes? All in favor, please say aye.

3
4 **MOTION** was made by Beth Bronson. Seconded by Greg Niemiroski.

5
6 **VOTE:** Unanimous

7
8 Leon Meyers: None opposed. The motion passes. Then to begin the hearing, I have to read this public charge.

9
10 **AGENDA ITEMS 4 & 5: PUBLIC CHARGE & POTENTIAL BOA CONFLICT OF INTEREST STATEMENT**

11
12 Leon Meyers: The Board of Adjustment pledges its respect to the citizens of Orange County. The Board
13 asks participants to conduct themselves in a respectful, courteous manner, both with the
14 Board and with fellow citizens. Should any member of the Board or any participant fail to
15 observe this public charge, I'll ask the offending person to leave the meeting until that
16 individual regains personal control. Should decorum fail to be restored, we'll recess the
17 meeting until a genuine commitment to this public charge can be observed. Please silence
18 your devices now. The Board of Adjustment is a quasi-judicial administrative body established
19 in accordance with local regulations and State law to perform specified functions that are
20 essential to the County's planning program. Actions taken by the board are based solely on
21 competent material and substantial evidence presented during an advertised public hearing
22 on a specific case. Section 2.12.2 of the UDO allows the Board chair to exclude evidence
23 and testimony that is deemed: 'incompetent, irrelevant, immaterial, or unduly repetitious' and
24 therefore fails to address in a reasonable way the issues before the Board. While there is no
25 time limit on the presentation of evidence, the Board asks that the presentation of evidence
26 be consistent with established policies and rules of procedure, and acceptable levels of
27 decorum to ensure a fair and effective hearing for all parties. Regarding conflict of interest,
28 it's the duty of every board member to avoid both conflicts of interest and appearances of
29 conflict. Board members having any conflict of interest or appearances of conflict with respect
30 to matters before the board should identify the conflict or appearance of conflict and refrain
31 from undue participation in the matter involved. As a reminder, General Statute 160.D.109
32 establishes the following standard: A member of any board exercising quasi-judicial functions
33 pursuant to this chapter shall not participate in or vote on any quasi-judicial matter in a manner
34 that would violate an affected person's constitutional rights to an impartial decision maker.
35 Impermissible violations of due process include, but are not limited to, these issues: a
36 member having a fixed opinion prior to the hearing regarding the matter that is not susceptible
37 to change; undisclosed ex-parte communications, meaning talking with parties involved in the
38 case outside the hearing; a close familial business or other associational relationship with an
39 affected person; or a financial interest in the outcome of the matter. Are there any Board
40 members who feel a need to announce a conflict or an appearance of a conflict?

41
42 Kyle Myers: I don't believe it's a conflict of interest, but the office of the land conservancy is 520 South
43 Duke Street. They moved into my building, 524 South Duke Street. I don't know them. I've
44 never spoken to them, but they are, in fact, officing in the same office complex where I work.

45
46 Leon Meyers: Yeah, that sounds perfectly legitimate to me.

47
48 Kyle Myers: Thanks.

1 Leon Meyers: Okay. Then Case A-7-24. Lauren.
2

3 **AGENDA ITEM 6: CASE: A-7-24 - To review and hold a quasi-judicial hearing for a Variance request (Case**
4 **Number BA24-0005).**
5

6 **Request has been submitted by property owners Ronald L. Geib, Jr. and Kristen Geib. The**
7 **applicants have applied for a Variance to allow for reductions in the required reservoir**
8 **setbacks (150' buildings and 300' septic systems). The site is located on Orange County PIN**
9 **9857-87-2089, located 4630 Old Lake Trail, Hillsborough, NC, and lies within the Cedar Grove**
10 **Township of Orange County.**
11

12 Lauren Honeycutt: Good evening. Let me skip through our beginning here. This is a case to hear a variance for
13 the reservoir setbacks at Lake Orange. The location of our parcel is 4630 Old Lake Trail. The
14 applicant tonight is David Cates on behalf of the property owners, Ron and Kristen Geib. The
15 applicant is requesting a variance from Section 6.13.4.(C), this is where our minimum buffer
16 widths for watershed protection overlay districts come from, and then also a variance from
17 Table 4.2.9. This is the water supply/sewage disposal facilities. These two sections require
18 150-foot buildings setback and a 300-foot septic setback from the reservoir water line. This
19 is measured at the 615-foot contour. The applicant is applying for this variance in order to
20 build a new construction. It's going to be a residential structure located about 145-feet from
21 Lake Orange. They are proposing to reduce the setbacks by half as part of this variance,
22 including a 75-foot building setback and a 150-foot septic setback. Just something to note is
23 that the Orange County UDO does allow for what's qualified as existing lots to encroach upon
24 established stream buffers and the setbacks for septic systems, but existing lots is defined as
25 lots that were created prior to January 1, 1994. This lot was recombined, thus making it
26 ineligible for this since its lot lines changed back in 2003. So, just kind of an overview. What
27 we have at Lake Orange right now: the buffer, you can see the reservoir building setback 150-
28 feet that goes around the lake in yellow, and then also a septic setback you can see there in
29 that blue hatching. A lot of structures currently existing there are within one of these buffers
30 given age and that existing lot status. This is the lot that we are looking at tonight for the
31 variance. As mentioned, it's on Old Lake Trail. You can see Lake Orange borders it to the
32 west. And just an illustration of what it would look like should the 150-foot building setback
33 and 300-foot septic setback be applied to the parcel as it currently is. That 615 contour
34 elevation is mapped in yellow which is where the setbacks are measured from. I'm going to
35 turn it over to the applicant to go through the exhibit that's presented before you, showing the
36 proposed residential development which necessitates the variance.
37

38 Leon Meyers: Before we do that, let's have everybody come forward who intends to testify this evening please
39 and be sworn on both cases.
40

41 **SWEARING OF THE TESTIMONY**
42

43 Jack Moran: Do you swear and/or affirm that the testimony you are about to give is the truth, the whole truth and
44 nothing but the truth to the best of your knowledge?
45

46 Applicants: I do.
47

48 Staff: I do.
49

50 Leon Meyers: Thank you, Lauren. Mr. Cates?

1
2 David Cates: Good evening. You may or may not remember that I was here previously about the lot which
3 actually is adjacent to this lot. However, because of what Lauren just described, because the lot
4 adjacent to this one was created prior to some significant date, that lot was allowed to have some
5 leeway which has negated the need for the variance to that lot. So, while the lot that I am
6 representing tonight was recombined in 2003, which is why it's not allowed to have the leeway that
7 the lot to the north was, when it was recombined, it wasn't recombined in recognition of these large
8 septic and reservoir setbacks. It was recombined into roughly the same size as the lots on either
9 side of it. So, it didn't gain anything by that recombination other than excluding it from the leeway
10 that it can't get now. You have my exhibit in front of you, and the proposed septic field that you
11 see was established by the Orange County Health Department, and I believe it makes it fairly
12 evident that if you see where the 300-foot septic setback is, there is no way for us to put a septic
13 field where it would have to go.
14
15 Leon Meyers: Mr. Cates, the boardrooms have two different site plans in the package.
16
17 David Cates: Yes.
18
19 Leon Meyers: Which one should we be looking at?
20
21 David Cates: The one that has a 47.42 building tie to the north. That's the only difference between the two
22 maps.
23
24 Leon Meyers: 47. I see a version that has the house about 181-feet from the setback and a version that has the
25 house about 161 feet. Which of the two is the right one?
26
27 David Cates: The front property has 181.71.
28
29 Leon Meyers: Okay. All right.
30
31 Beth Bronson: Identify which page that is.
32
33 Kyle Myers: That's Page 27.
34
35 Beth Bronson: Thanks.
36
37 David Cates: I don't have your packets. I don't know which page it's on.
38
39 Beth Bronson: He told me. Thanks.
40
41 David Cates: So, it is quite a challenge once you see, when you're having to place the septic field and the well
42 and the building. It makes it for an extremely tight location. And you may be wondering why we
43 didn't push the building all the way down to the, what we're proposing as the 75-foot reservoir
44 setback. There are a few reasons for that. One is that this is the distance that the adjacent
45 properties and multiple other properties on the lake have been afforded this setback of 75 feet. So
46 that is one reason. Another reason is you can see the well. Wells in Orange County require a 50-
47 foot setback. They also would like a 40-foot setback from the property line, although they will,
48 under certain circumstances, give you some leeway on that, but it would be nice to have some
49 flexibility to place the well. Right now, this is the only area that the well can go as best we can
50 squeeze it in there. So, it would be nice to have some margin to locate the well. And we also

1 would need some margin for unforeseen issues, like exact placement of the septic tank and the
2 pumping tank because, you know, as typically on these lots that are near lakes and with septic
3 setbacks like this, the septic fields are always above the house, so you've got to pump up, so it
4 takes another tank. And all those tanks have to have setbacks or offsets from buildings. And then
5 the other thing is the construction disturbance extents are difficult to know because you have to get
6 equipment around. And so anyway, that's sort of my introduction. I'm sure you'll probably have
7 other questions.
8

9 Leon Meyers: Board members, questions for Mr. Cates?

10
11 Beth Bronson: The question that you were speaking about the well, so the proposal for the setback on the septic
12 would impact your ability to decide where the well goes?
13

14 David Cates: Yes. There's a 50-foot offset from the well, and there's a 50-foot offset from the house. And there's
15 a, there's a 40-foot offset from property lines, but they will, under circumstances, give you some
16 relief, but they'll only give you relief down to 10-feet from any property line. There's also a 100-foot
17 setback from a Class 1 or Class 2 reservoir. So, we're painting ourselves into a corner. There's not
18 just one reason, but there are multiple reasons why it would really be great to have some flexibility.
19 But in the interest of portraying to the Board, what is the very closest or farthest we could push the
20 house from the lake, in all honesty, that's where I had to show the house because once you put the
21 septic in and then the septic field in and then you put the pumping tank and then the septic tank
22 and then the 50-foot offset and all those things, that's where the house placement came. But it's
23 understandable that the homeowner would like to be afforded the same relief that the adjacent
24 property owners have been given. Not just the adjacent property owners, there are many
25 properties on the lake that have been afforded this as well.
26

27 Beth Bronson: So, am I correct in thinking that many of these properties were grandfathered in because they were
28 built before '92 or after '92?
29

30 David Cates: There are some. Yes, there are some that are grandfathered in, but there are multiple properties
31 that have been built within the last 10 years. And the property to the north is going to be built with a
32 75-foot reservoir setback because it met Planning's criteria for lots that were created.
33

34 Beth Bronson: And so, you see that even though this is the site plan, you foresee wanting or bringing the house,
35 the actual structure, closer to the 75-foot setback?
36

37 David Cates: I don't know that, I mean, that's up the homeowner. That would be the preference, but I don't think
38 the intention is to push it up to the very limit. But anyway, it just seemed to be from the
39 homeowner's standpoint, it seemed to be equitable to be given that same option as the other
40 people have had.
41

42 Beth Bronson: Understandable. I just don't see where else the well would go because of the size of the lot.
43

44 David Cates: Yeah.
45

46 Leon Meyers: Mr. Cates, I'm not familiar with any of the adjacent properties that you refer to. Did you happen to
47 bring any evidence of where the adjacent properties are located with respect to the lake.
48

49 David Cates: The assistant director of Planning informed me that they had a map showing multiple properties
50 that are within the 150-foot setback. I don't know if that's available. I thought it was in your packet.

- 1
2 Leon Meyers: Yeah, we do have a map of the houses, but there's no dimensions on there of course.
3
4 David Cates: It is to scale.
5
6 Leon Meyers: May I ask how far is the house now from the 615 contour elevation in this site plan that we're
7 looking at?
8
9 David Cates: I believe you all said it was 145. It was my understanding, and that may have been incorrect, that
10 there are limits as to how close our disturbance can be to that. Patrick can explain it better than I
11 can because my initial understanding was that the disturbance couldn't be within the reservoir
12 setback, but there is some allowance for disturbance within the reservoir setback. Patrick could
13 probably explain that better than I could. We have so many members here, quickly, it gets pretty
14 confusing.
15
16 Leon Meyers: And is the limit of disturbance with respect to the reservoir, is that a part of the planning in the site
17 plan here?
18
19 Patrick Mallett: I guess the best way to describe it is, what we're considering tonight and what he has shown is the
20 building setback from the reservoir water line and the septic setback from the reservoir water line.
21 In addition to that, there is a stream buffer that goes around the water body that's 65 to 80 -feet. In
22 his case, it would be 65-feet from the water line that strictly prohibits what you can and can't do
23 and, to a large extent, I'm being general here, you can't disturb in that area. So, the distinction
24 being, we're talking about tonight the building setback and the septic setback. There's an
25 additional element to this, as with all of the properties, they have some sort of water body stream
26 buffer that also limits disturbance and the use and how close you can get to the reservoir.
27
28 Leon Meyers: Is it correct understanding the 65-foot buffer would be even closer to the lake and the applicant has
29 proposed to set the setback here?
30
31 David Cates: Yes.
32
33 Leon Meyers: So, the buffer really is not in play here except as it would be on any other property? Yeah?
34
35 Patrick Mallett: That's right.
36
37 Leon Meyers: Anybody have any other questions for Mr. Cates, Board members? I guess my only reservation is
38 that we've got the site plan here that you guys have obviously worked on in a level of fine detail
39 here, and the house is 140 feet, and you're asking for a 75-foot setback. Is there some reason you
40 wouldn't move the setback? You explained four reasons here. Is the main reason just kind of in
41 case you run into something that turns into a problem?
42
43 David Cates: Yes. I mean, I think many of you have building experience, and I don't know if you've ever run into
44 rock. I'm not saying we're going to run into rock, but when you run into rock sometimes, you have
45 to adjust things. And that's one reason why we would like some margin. I tried to be fair and show
46 the actual tightest that we could go, but I don't feel comfortable with that being, you know what I'm
47 saying? It's like, okay, if that's what you're going to give us, then we have no margin. You know?
48 What if we run into something? I don't know.
49
50 Leon Meyers: Got it.

1
2 David Cates: It's like a contingency. You know, when you build something, you normally want to have some
3 contingency funds because you don't know what's going to come up.
4
5 Leon Meyers: That's true. Okay. I think that's it, unless the Board members have other questions?
6
7 Beth Bronson: I'm just wondering if you also have a stormwater management plan. Or you're not yet required to
8 given the variance request.
9
10 David Cates: Our area of disturbance is under the stormwater disturbance threshold.
11
12 Beth Bronson: Okay. So, any kind of contingency for coming closer to the floodplain from a building perspective
13 of mitigation, I guess?
14
15 David Cates: Yeah, as long as we stay under the disturbance threshold, we are not required to submit a
16 stormwater management plan.
17
18 Beth Bronson: Okay. That includes the paving of the driveway and the patios and all that?
19
20 David Cates: That's correct.
21
22 Beth Bronson: Okay.
23
24 Leon Meyers: All right. Thank you, sir.
25
26 David Cates: You're welcome.
27
28 Leon Meyers: Unless staff has something more. Pat or Lauren? No? Okay. Then the matter is before the
29 Board. Just to clarify, I think there are two separate findings here. Cy, this might be a question for
30 you. Your intention is for the Board to enter findings both on the septic setback and the building
31 setback, is that right?
32
33 Cy Stober: Yes, please. They are different regulations and require a variance from them independent of each
34 other.
35
36 Leon Meyers: Okay.
37
38 Cy Stober: For example, just the hypothetical scenario that there could be relief for the septic setback but not
39 for the building setback, so the building would have to remain 150 feet or more from the reservoir,
40 but the septic could be brought closer than 300 feet from the reservoir. They really are separate
41 and distinct regulations.
42
43 Leon Meyers: Okay. So then mechanically, the process would be to approve two separate sets of findings for the
44 two different variances. Thoughts? Board members?
45
46 Kyle Myers: Is it acceptable to have Page 29 shown? So, the map of the lake, I don't know if I'm allowed to ask
47 another question, but the green 150-foot reservoir building setback, the existing rule is shown on
48 that page. Yes? That's the green?
49
50 Beth Bronson: That was the right page. Yeah. Green versus blue.

1
2 Kyle Myers: Green is the existing 150-foot reservoir building setback. Right?
3
4 Lauren Honeycutt: Yes. It's yellowy-green on here, but yes.
5
6 Kyle Myers: Okay. So yellowy green. The yellowy green is the existing 150-foot reservoir building setback.
7
8 Lauren Honeycutt: Correct.
9
10 Kyle Myers: So, all of those red things are in it right now?
11
12 Lauren Honeycutt: In some portion or another. Yes. Every structure that is highlighted red.
13
14 Kyle Myers: Thank you for clarifying.
15
16 Cy Stober: Mr. Meyers, if you could please speak into the mics when you speak. We record the meeting for
17 transcription purposes.
18
19 Kyle Myers: No problem. Do you want me to say that again?
20
21 Cy Stober: I think we're good. The mics are good, but it just assists the staff in transcription. Thanks.
22
23 Kyle Myers: Roger that.
24
25 Leon Meyers: No other discussion?
26
27 Jeff Scott: I just had a question about; I think it's on page 30. It's the DAC comments. There's a comment on
28 here about the erosion control, and it's saying that the applicant will have to reapply for a Buffer
29 Authorization Certificate. I don't know. Maybe that's a question for staff, is that something that it's
30 not really our decision, but how does that effect, if we were to approve or not approve?
31
32 Patrick Mallett: Another nuance. So, because there's a buffer on the property and there's a potential to have
33 impact, we would ask for a Buffer Authorization Certificate. We would evaluate to see if there is
34 any impact, significant impact or not and then make a judgment as to whether there is no other
35 practical alternative and there's no mitigation. Mitigation meaning, you're going to need to replant
36 some trees to offset your disturbance. I think they're just making that statement in writing that
37 would apply whether this variance, it would apply to all the properties on the lake theoretically.
38
39 Jeff Scott: So, I guess that kind of goes hand in hand with, I think it's on page 32, there was a comment from
40 the NCDEQ about potential flooding in the future, and it sounds like there's some potential wildlife
41 issues and water supply downstream. I guess, this Board is not interested in the erosion control
42 per se, and we don't control DEQ, so how does any of that affect the County's review of this?
43
44 Patrick Mallett: So, as you may remember, anything of any significance, we follow a protocol. Variances,
45 especially from zoning cases, large cases, we send them automatically to the State Clearinghouse,
46 and all of the agencies have the opportunity to give us a comment or no comment. Unfortunately,
47 in this case, the author of that section of the clearing house feedback, I'm not sure they really
48 understood the nature of Lake Orange, and it is a reservoir. It is a flood-controlled structure, and
49 so the possibility of flooding is possible, but it would be a very, very significant event. Beyond just a
50 hurricane-level amount of rain because we have a dam. The engineer can release the water down

1 to the Eno. And that's really the point that the 615 and 620 contour elevations are to a large extent,
 2 I'm generalizing, is that that is the free board of the flood zone. And so, when things start rising,
 3 the valves go on, things come out down the spillway. I think that she erroneously may have looked
 4 at the adjacent parcel which did have a stream. This one does not. I'm sure they have lots and lots
 5 of cases to review and a limited amount of time to do it. It is what it is. But we took note of that
 6 fact and took note of what is correct.
 7

8 Leon Meyers: And in the packet is the letter from the planning director essentially saying, acknowledging those
 9 concerns and saying they don't appear to have a whole lot of significance for this case?
 10

11 Cy Stober: That's on Page 44 of the packet.
 12

13 Leon Meyers: Any other discussion? Now a motion on the findings would be in order. The first on the building or
 14 first on septic. Either way.
 15

16 Kyle Myers: I'm happy to do it, but I don't know the wording.
 17

18 Leon Meyers: I think you would just say I move that the Board find as listed, and Morgan help me here, on Page
 19 40 or whatever it is, 48, is it? With respect to the building setback.
 20

21 Greg Niemiroski: Motion to approve the findings of fact for building setback as noted. It says 45 here, I think.
 22

23 Beth Bronson: Page 47.
 24

25 Greg Niemiroski: It's 47 on the left, but it's labeled 45.
 26

27 Beth Bronson: I see.
 28

29 Leon Meyers: Is there a second to that motion?
 30

31 Jeff Scott: Second.
 32

33 Leon Meyers: Any discussion? This is approving the variance for the purpose of the building setback. All in
 34 favor, please say Aye. All right. None opposed.
 35

36 Beth Bronson: I did not say aye.
 37

38 Leon Meyers: Oh. Sorry.
 39

40 Beth Bronson: Yeah, no, I'm more fine with the septic setback than I am of the building setback, so.
 41

42 Leon Meyers: So, your vote is?
 43

44 Beth Bronson: Is no for the building setback.
 45

46 Leon Meyers: No on the building setback. Okay. Then that would be 4-1.
 47

48 **MOTION** was made by Greg Niemiroski. Seconded by Jeff Scott.
 49

50 **VOTE:** 4-1 (Beth Bronson opposed)

1
2 Leon Meyers: Then a motion would be order, in order on the septic setback.

3
4 Beth Bronson: I'm going to make a motion that the findings of fact for the septic setback are consistent with the
5 UDO and should be approved. The variance should be approved.

6
7 Greg Niemiroski: Second.

8
9 Leon Meyers: Any discussion on the setback for the purpose of septic? All in favor, please say aye.

10
11 **MOTION** was made by Beth Bronson. Seconded by Greg Niemiroski.

12
13 **VOTE:** Unanimous

14
15 Leon Meyers: None opposed this time? Thank you, Mr. Geib. Good luck with your project.

16
17 **AGENDA ITEM 6 (Continued): CASE: A-8-24 - To review and hold a quasi-judicial evidentiary hearing for a Special**
18 **Use Permit request (Case Number SUP24-0010).**

19
20 **Request has been submitted by the property owners Triangle Land Conservancy (TLC). The**
21 **applicant has applied for a SUP to allow for a Camp Use at the TLC Brumley Park facility. The**
22 **site is located on Orange County PIN 9883-30-4125, located off New Hope Church Road,**
23 **Chapel Hill, NC, and lies within the Eno Township of Orange County.**

24
25 Leon Meyers: Good evening, Ms. Perschau.

26
27 Taylor Perschau: Good evening, Board. Taylor Perschau, Current Planning and Zoning Manager. I am here to
28 present Case A-8-24. It is a special-use application for a Camp use. I want to make one small
29 correction just that the abstract for this case noted as A-7-24, it should be correctly labeled as A-8-
30 24 in the top right of that abstract. We are here after a bit of review for a quasi-judicial hearing
31 related to the special-use permit application. I do want to go over the review process just to make
32 sure everyone understands where the application has been so far. So once received, it underwent
33 staff review which included reviewing the site plan, an application, that it was complete and met all
34 the submittal requirements for a special-use permit and the site plan that was required as part of
35 that. It did go through inter-agency review, so as Pat noted, this one went through a similar state
36 clearing house. It also went through the Orange Count Development Advisory Committee.
37 Between the Development Advisory Committee and tonight's Board of Adjustment meeting, the
38 applicant was also required to hold a Neighborhood Information Meeting which was completed in
39 May. And so, we're here tonight to conduct an evidentiary hearing at which you'll be tasked to
40 make another determination on the findings of fact for this case. You all will be receiving evidence,
41 hearing testimony from myself, the applicant and anyone who is able to establish standing with you
42 all. Then there will be opportunity to deliberate and make your determination and finally issue
43 either an approval or a denial for the special use permit request. We have had everyone come
44 who intends to speak be sworn in prior to anyone else speaking. You will make the determination
45 as to whether they can establish standing. I will go ahead and jump into the case. So, this one, as
46 I mentioned, is for a Camp use on a property at 3223 New Hope Church Road in Chapel Hill. The
47 applicant is the property owner, Triangle Land Conservancy. Included in the packet is the case
48 abstract, the full application package, staff report and analysis, information on those neighborhood
49 information meetings and notifications for tonight's hearing. You also have project correspondence
50 and development advisory committee findings and finally drafted findings of fact for you all. I will go

1 ahead and present the staff presentation. You will likely hear some more detail from the applicant,
2 and then we'll go from there. So as mentioned, I don't know that this is the best, we have a star on
3 this map up here, but to get us oriented, it's not on this one. I think we're around here. So, this site
4 is in the Eno Township of Orange County. It is in both the Lower Eno unprotected and the Lower
5 Eno protected watershed. As mentioned, the applicant is the landowner who is Triangle Land
6 Conservancy, and the primary use of the property at present is Brumley Forest Nature Preserve. A
7 little bit about why this is coming before you is that before, and they'll probably give you better
8 detail than I can, but before Brumley Forest was open as a park, they did present a master plan of
9 how the property would be used to Orange County Planning at which point that plan included
10 reference of the Schoolhouse of Wonder's use of the property. So, at that time, with staff, kind of
11 conversation determination, they were advised that Schoolhouse of Wonder use could be
12 somewhat of an accessory use to the primary park use of the property, so permitted as right.
13 Earlier this year in 2024, planning staff did receive a building permit application to place a structure
14 that would be specifically for that Schoolhouse of Wonder use, and so it's typical with
15 nonresidential building permit applications, when we're reviewing a non-residential building permit,
16 we're looking for a site plan that had approved that permit, so a non-residential zoning compliance
17 permit first to go with that. Since we didn't have that, the conversation came back up, and new
18 direction was given that that Camp use would require a special-use permit. Thus, we are here
19 tonight with this application. The property is zoned rural residential, and the Camp use, which is
20 use number 32 in the Table of Permitted Uses is a permitted use with a special-use permit. The
21 request is to apply the special-use permit to the entirety of the parcel. You will see in the site plan
22 that there is a smaller use area that is specified in part to just detail where that use actually lives on
23 that property, and also as part of their parking calculations, I believe that use area was minimized
24 which we'll go into in a little bit. But the permit itself would apply to the entirety of the property. So
25 similar to the zoning, they have the same zoning category, or the same name - the zoning category
26 of rural residential is also their future land use map designation. They also have Resource
27 Protection Areas which are denoted on this map in that dark green. Generally, that follows the
28 lines of hydrology on the property. There is Stony Creek on site, and as a forest preserve
29 managed by Triangle Land Conservancy, there are notable conservation restraints on the property
30 already existing by the owner's own doing. Quick facts of the property, or the project, is that
31 Schoolhouse of Wonder use area is focused within about 12-acres of the total parcel. You can see
32 that on Sheet L3 of the submitted site plan. The use area includes existing paved roads which are
33 being used for vehicular access, parking, as well as storage buildings which are intended to be
34 used for equipment storage and for use during camp. For Camp use during inclement weather.
35 Excuse me. If I'm misspeaking, they will absolutely correct me of how those are being used. As
36 part of the use requirement or use standard for a Camp use, there is a minimum 30-foot Type B
37 buffer to be observed around the perimeter of the property, but again, as the property exists as a
38 nature preserve, you will find on the site plan that there is more extensive vegetation protection
39 than just that. The existing ingress and egress will continue to be used for parking and access. It
40 is, it looks like it would be platted as a private right of way, but it's actually just a paved road that
41 was part of a historic subdivision that no longer exists as a right of way, so it actually counts
42 towards their off-street parking. I am going to let the applicant speak to the details of the site plan
43 when they get up, so I'll breeze through this one. But again, this orange one, this orange area is
44 what is denoted as the Schoolhouse of Wonder use area, but the red outline is the subject parcel.
45 The submitted application and evidence was reviewed by staff and determined to be complete.
46 You will find in the staff report that I did note a question about the off-street parking, and I
47 understand the applicant is prepared to respond to that tonight. In our review, we also determined
48 that they met application submittal requirements which is Section 2.2, special-use permit submittal
49 requirements which is Section 2.7, special-use standards and then Camp-use standards. I think at

1 this point I'm going to go ahead and turn it over to the applicant to provide more detail. Unless you
2 all have questions.

3 Leon Meyers: Questions for Taylor before she finishes? Well, it would be helpful to me to understand exactly,
4 we've got about 12 acres here that relates directly to the Schoolhouse of Wonder use. But if the
5 special-use permit is approved, it applies to the entire property? Is that correct?
6

7 Taylor Perschau: That's correct. The permit would allow for a Camp use on the entirety of the parcel.
8

9 Leon Meyers: Then what is the significance of a part of the parcel?
10

11 Taylor Perschau: So, I understand the designation of those 12 acres for the Schoolhouse use to be consequential to
12 how they calculated the parking.
13

14 Leon Meyers: I didn't mean to get in your presentation. Thank you. Any questions for Taylor? Thank you.
15

16 T.C. Morphis: All right.
17

18 Leon Meyers: Before coming up. Is it correct I understand that everybody who is testifying tonight is a witness
19 you will call?
20

21 T.C. Morphis: Yes, sir.
22

23 Leon Meyers: Okay.
24

25 T.C. Morphis: That's correct. And what we'll do, I've got a PowerPoint presentation. And I'll just go ahead and do
26 my introduction while Pat's getting us queued up. My name is T.C. Morphis. I'm the managing
27 partner for the Brough Law Firm in Chapel Hill. I'm here with my law partner, Lydia Lavelle. We've
28 been working with the Triangle Land Conservancy this evening on this project, and what I'm going
29 to do is I'm going to go through the PowerPoint presentation. At appropriate points, we'll have our
30 witnesses come up. They've all been sworn in. Nearly all the documents in the presentation are
31 also in your packet with the exception of some additional site photos, and then as Taylor forecasts
32 for you, we've addressed the parking issues, and we're definitely going to talk about how
33 Schoolhouse of Wonder fits into the larger Brumley project. Okay, so let's go ahead and get
34 started. If we could start by having Marty Jorgensen and Matt Rutledge come up. And what I'd
35 like to do is, Matt, I'd like you to start by just talking about what Triangle Land Conservancy is
36 generally, you know, the 5-second elevator pitch, and then what Brumley Nature Preserve is and
37 talk about its relationship to the public. Okay, and then, Marty, we'll have you talk about your
38 program in a moment.
39

40 Matt Rutledge: Triangle Land Conservancy is a land trust. We conserve open space in six counties around the
41 Triangle, and that includes Lee, Chatham, Orange, Durham, Wake and Johnston Counties. We've
42 conserved over 25,000 acres since we were founded. And we have eight nature preserves that
43 are free and open to the public. Our Brumley Preserve is one of those. It has 17 miles of trail and
44 is visited by approximately 50,000 people a year. It's a great location for it between Hillsborough,
45 Durham and Chapel Hill, and we acquired the Brumley property in 2010, started speaking with
46 Orange County about a potential use in 2016 and were able to open it to the public in 2017.
47

48 T.C. Morphis: I'm going to come around to this side. So, Matt, quick question because I know this is going to be
49 confusing. I want you to give the size of the total Brumley Nature Preserve and explain the
50 relationship of the different parcels.

- 1
2 Matt Rutledge: When we originally acquired it in 2010, it was 613 acres. We have since added an adjacent parcel.
3 The total now is 673, but it was, the original transaction was, I believe, 11 different parcels. The
4 one that was outlined by Taylor is approximately 90 some odd acres and is one parcel of the
5 greater Brumley Preserve.
6
- 7 T.C. Morphis: Okay. And we're going to talk in just a second. Actually, Marty's going to do it right now about how
8 Schoolhouse of Wonder relates to the Brumley Preserve. But first, talk about your program a little
9 bit and talk about what you do, Marty.
10
- 11 Matt Rutledge: Thank you.
12
- 13 Marty Jorgensen: Good evening, everyone. My name is Marty Jorgensen. I'm in charge of operations for
14 Schoolhouse of Wonder. We are a nonprofit focused on outdoor education for kids and teens in
15 the Triangle. We currently operate in Durham, Orange and Wake Counties. We don't own any of
16 our own land. We only operate through partnerships, so we currently operate with Durham Parks
17 and Rec, NC State, North Carolina State Parks, at River State Park in Umstead, the City of Raleigh
18 Parks and TLC which is my personal favorite. I was hired in 2016 to help open our Brumley
19 camps, so it's near and dear to my heart. We serve about 5,000 camp registrations a year and
20 serve about 3,000 kids, majority Title 1, in our field trip programs and about 2,000 teenagers in our
21 leadership training program.
22
- 23 T.C. Morphis: Now, Marty, what is Schoolhouse of Wonder's motto for particularly the summer camp kids?
24
- 25 Marty Jorgensen: Oh, it's dirty, tired, happy. We're a pretty rustic outdoorsy program. Internally, we call it rock, stick
26 and string. We believe in calculated rests, and we get our kids dirty. There's no screens. There's
27 no technology. We're whittling sticks and we're running through the forest, and we're building forts,
28 and we're climbing trees.
29
- 30 T.C. Morphis: Yeah. And so, and Matt's going to walk the Board through the site plan and all that, and we'll have
31 David Swanson, our landscape architect, out, but tell me a little bit about how Schoolhouse of
32 Wonder operates on Brumley, and particularly, the Board Chair asked about, we have this 12-acre
33 envelope but the kids get to go throughout the entire park, or the preserve, is that correct?
34
- 35 Marty Jorgensen: Yes. It's based on how far a 5-year-old can walk in 1 day. So, the 12 acres that you've seen, that
36 represents our pickup and drop-off area. That's where parents come in and drop off their kids and
37 pick up every day. Outside of that time, we are largely out in the forest and join Brumley similar to
38 the public, enjoying the trails, enjoying the pond, enjoying the forest, and then we come back to
39 that area for a 3:00 pickup and a 5:00 pickup.
40
- 41 T.C. Morphis: And the structure that we're going to talk about in a little bit, would it also be in that 12-acre area?
42
- 43 Marty Jorgensen: Yes, it would.
44
- 45 T.C. Morphis: Okay. And does Schoolhouse of Wonder have any kind of facilities or are you planning to have
46 any sort of outside of that envelope?
47
- 48 Marty Jorgensen: No.
49

- 1 T.C. Morphis: Okay. So, to answer your question, that's really what the envelope is for. Taylor is exactly right. It
2 deals with parking calculations, but it's also, that's where when we talk about facilities for
3 Schoolhouse of Wonder, it's within that area, but understand, you have kids that are, obviously
4 with counselors, throughout the entire Brumley Nature Preserve. Okay, so Marty, why don't you go
5 ahead and have a seat and Matt, can you just stay right here?
6
- 7 Matt Rutledge: Sure.
8
- 9 T.C. Morphis: We're going to try and go through these quickly because I'm sure you all have seen a lot of these
10 already. I'm not going to make you try and look at all this. This is the overall site plan, but again, I
11 do want, and Matt if you could talk about this central drawing that's got the top of the lines on it just
12 to help orient the Board to where the Schoolhouse of Wonder site sits on the total Brumley Nature
13 Preserve property.
14
- 15 Matt Rutledge: Yeah, so there is an old cul-de-sac that Taylor mentioned coming off New Hope Church Road. It's
16 in that northwest corner of what we call Brumley South, what is south of Old NC 10, and it sits kind
17 of up on top of a hill and then slopes down to the creek. And it's within that larger 90-some-acre
18 parcel.
19
- 20 T.C. Morphis: Right. And let's see if we can zoom in a little bit on this. So that's just a survey of the entire
21 Brumley Preserve, correct? Or the 90-acre parcel?
22
- 23 Matt Rutledge: The 90-acre parcel is outlined in red. This is the whole property.
24
- 25 T.C. Morphis: Got it. And that's just again a close up of that, the diagram that we saw earlier, right? Okay. And
26 that's just the top of the map. And this actually helps, zoom in a little bit more. Can you talk a little
27 bit about the street, and I can't remember if it was mentioned earlier or if Taylor mentioned it, but
28 why we've got these two cul-de-sac bulbs here and kind of how Schoolhouse of Wonder is using
29 that?
30
- 31 Matt Rutledge: This was an old neighborhood that was never developed, it, but the roads were put in. They are
32 private roads, and for us in a nature preserve, it's a little strange, and so we were wondering how
33 to use that. And Schoolhouse of Wonder gave us the opportunity. It's a perfect place to get off the
34 public road, have a private protected place for pickup and drop off of the kids, and so that's how
35 they've been using it.
36
- 37 T.C. Morphis: Now you called it a private road. Are those roads open to the public?
38
- 39 Matt Rutledge: No.
40
- 41 T.C. Morphis: Okay. So how is the public kept out?
42
- 43 Matt Rutledge: The road is gated, and so when not in use by Schoolhouse, there's a gate with a lock, and the
44 public is not able to access it.
45
- 46 T.C. Morphis: So even though you have roads that were built as roads for a subdivision, it functions almost like a
47 driveway for Schoolhouse of Wonder?
48
- 49 Matt Rutledge: Correct.
50

- 1 T.C. Morphis: Again, this is just zooming in. This is our site plan, and this just shows you that envelope. So, any
2 kind of structures that Schoolhouse of Wonder is talking about, and we're only talking about one,
3 would be within this 12-acre area? Okay, so I'm going to show a few photographs. These are
4 photographs that David Swanson took of the site, and I'm going to ask you some questions as we
5 go through these, Matt. Are these true and accurate depictions of the site? And then, actually,
6 Marty, could you come back up? Because I think you may be in a better position to talk about what
7 this tarp is and why it is important for the Board this evening.
8
- 9 Marty Jorgensen: Yes. These are true and accurate depictions of the drop-off area at our camp.
10
- 11 T.C. Morphis: Okay. And tell us about the tarp. What is that?
12
- 13 Marty Jorgensen: The tarp is our inclement weather structure. We call it mega tarp. It is a very large tarp. We have
14 a challenge which is at pickup and drop-off time where we are unable to get the kids out until drop-
15 off time is over. If we're having rain or bad weather at that time, we don't have a great weather
16 solution at this time, and that's one of the motivators for us to apply for a shelter.
17
- 18 T.C. Morphis: Okay. Anything else you want to add about these drawings, Matt? And I guess actually one thing
19 we should have; the top right photo shows a porta potty. That's how we provide bathroom facilities
20 for Schoolhouse of Wonder, correct?
21
- 22 Marty Jorgensen: Correct.
23
- 24 T.C. Morphis: Okay. All right, so again, more photos of the mega tarp?
25
- 26 Marty Jorgensen: Correct.
27
- 28 T.C. Morphis: True and accurate photos?
29
- 30 Marty Jorgensen: Yes.
31
- 32 T.C. Morphis: Okay. Let's see here. And this is just the pickup and drop-off area?
33
- 34 Marty Jorgensen: Yes.
35
- 36 T.C. Morphis: And where we see people parking, and we have a diagram of this in a moment, but are those
37 parking spaces essentially in the cul-de-sac bulbs?
38
- 39 Marty Jorgensen: Yes.
40
- 41 T.C. Morphis: Okay. Very good. Just a few more photos for the Board. And what is the little shed that I'm
42 looking at in the right photo, Marty?
43
- 44 Marty Jorgensen: It's just a small storage shed where we keep camp supplies and water jugs and first-aid kits and
45 things like that.
46
- 47 T.C. Morphis: And about how big is it?
48
- 49 Marty Jorgensen: It's probably 8 by 8.
50

- 1 T.C. Morphis: Okay, so Marty, could you tell us what we're looking at here?
2
- 3 Marty Jorgensen: Sure. As a nonprofit, our funds are an important part of our business decisions, and our proposed
4 structure is just a pretty simple roof which is simple and yet a big improvement over mega tarp.
5 So, this there is, you all have diagrams that they can fit in. They're not very big. But having a roof
6 structure near our drop-off spot would be a significant improvement for our campers' experience
7 and their safety.
8
- 9 T.C. Morphis: Yeah. And so, to be clear, the structure that kind of triggered all this, you all sought a building
10 permit for the installation of a carport structure that is essentially this structure, correct?
11
- 12 Marty Jorgensen: Correct. Yes.
13
- 14 T.C. Morphis: Okay. And are you planning on building any other sort of enclosed facilities on the site at this
15 time?
16
- 17 Marty Jorgensen: At this time, no.
18
- 19 T.C. Morphis: Okay. And we'll represent to the Board that we're not asking for additional permission through this
20 special-use permit for future buildings. One thing I've talked about with TLC and with the
21 Schoolhouse of Wonder is if you ever really wanted to expand operations, which, first of all, as
22 Taylor mentioned, there are conservation restrictions on the property, so there's some restrictions
23 there, but they know they would have to come back and get an amended special-use permit. So,
24 we understand this is limited in nature. Tell me about this structure, and I'll represent to you this is
25 a photo of a structure that was taken at Shakori Hills. It's not onsite. But we've included this
26 essentially as if you had that wish list, you might end up with sort of a more elaborate wooden
27 structure like this. Is that correct?
28
- 29 Marty Jorgensen: Yes. A more aesthetically pleasing and perhaps more unified space.
30
- 31 T.C. Morphis: But even something like this would be essentially the same footprint as the carport structure you're
32 proposing now?
33
- 34 Marty Jorgensen: Correct.
35
- 36 T.C. Morphis: Okay. So even if they upgraded in the future, we wouldn't be talking about a more significant land-
37 use impact, correct?
38
- 39 Marty Jorgensen: Correct.
40
- 41 T.C. Morphis: Okay. You can go ahead and have a seat. Thank you. You can go have a seat too. This is
42 where our presentation differs a little bit from what you all have seen in the application packet. And
43 I'm just going to kind of lay out the issue, and then we're going to have David Swanson, our
44 landscape architect, talk about it. And Taylor, if I misstate any of this, just jump in. So, the issue
45 we had was we originally wanted to show 24 spaces. As I understand it, there is a minimum
46 requirement of, was it 15, David? Actually, why don't you talk because you're the expert and then
47 we'll get you sworn in in just a moment.
48
- 49 David Swanson: I am sworn in.
50

- 1 T.C. Morphis: Correct. We'll get you qualified as an expert. But go ahead and explain the problem that staff has
2 identified.
3
- 4 David Swanson: Okay, sure. So, I think we've all got a pretty good idea that this is an existing asphalt-paved road
5 that the, essentially the TLC and the Schoolhouse of Wonder have inherited. The roads are in
6 pretty good shape. Being that they were designed as a cul-de-sac for a neighborhood, they have
7 met the standards at the time for Orange County in terms of swales and drainage and so on. They
8 are asphalt paved, and as Matt described, it is gated, so there's limited public access, and it's just
9 used during the time that the Schoolhouse of Wonder activities happen. So Taylor and staff has
10 indicated that the primary road, and for the purpose of testimony, if you will, we'll call it Road A,
11 these are not named roads, but we'll call it Road A, that is the one that is at the bottom of your
12 sheet here, and then the one that, the appendage that goes up, or to the north, we'll call it Road B.
13 Exciting. And so, on Road A, we're understanding that we need to maintain, and let me just clarify,
14 it's, those are 18 feet wide currently. We need to maintain access, two-way access, if I'm correct in
15 saying that, and that was identified as we went through this process. The plan that you probably
16 are looking at on your screen, this is the revised plan. So, the plan that you looked at in your
17 packet rather had shown parallel parking along there, and then staff identified that with that, you
18 couldn't get two-way access on that main Road A. So creatively, what we've done, we just looked
19 at that, and we had shown 24 spaces. I will say, just from practical experience, when you get into
20 a situation like this, currently there's no ADA parking. We kind of know that you're going to need to
21 have identified some kind of accessible parking, so one space, we're going to identify with
22 accessible space, and when you get over 25 spaces, then you have to have two spaces. So, we
23 purposely kept it under 24 so we didn't need to get into an additional ADA space. However, the
24 program needs are even less than that. What we've done through Taylor's help and kind of
25 creatively looking at the criteria that the county has in their standards, or regulations you might say,
26 and they have, and you'll have to help me out here, Taylor, but they have an identification for
27 camp. And I'm going by memory now, but I believe that it's one space for the first 5 acres and then
28 one space for every acre thereafter.
29
- 30 Taylor Perschau: So is, I actually have it right here for you. I left my notes. I didn't mean to.
31
- 32 David Swanson: Okay.
33
- 34 Taylor Perschau: But it's actually, so five spaces for the first 2 acres and then one space for every acre after. So, for
35 a 95-acre parcel, we would have 98 parking spaces for this camp.
36
- 37 David Swanson: Which let me just point out to you, I think anyone in a reasonable mind would just find that a little
38 bit absurd for what our camp needs are. And let me also point out this. I don't think we've stated
39 this. When we say camp –
40
- 41 T.C. Morphis: David, before you hop in Marty, could you let the Board know what sort of your typically number of
42 campers is you have, like, say, during the summer or other times when you have kind of the full
43 camp?
44
- 45 Marty Jorgensen: Yeah, our most populous week of the summer would have fewer than 63 campers. Many of them
46 are siblings, and so the idea of 90 parking spaces would be more than all of our staff and every
47 camper bringing their own car.
48
- 49 T.C. Morphis: Yeah. Thank you. Sorry, David. I didn't mean to interrupt you.
50

- 1 David Swanson: So, what I was going to just mention is that, and I think just for the record, when we're saying
2 camp, this is not a camp like a Boy Scout or Girl Scout camp where you do overnight camping. I
3 just want to clarify. This is day camp only, and I think they've stated that, but just to make it clear
4 that these are just, as Marty described, drop off in the morning and pick up at 3 in the afternoon
5 thereabouts. Usually by car and usually by a parent. Let's see now. Where was I? I was
6 describing numbers of cars. So, the category of – you took your notes away – but the category of
7 camp – that's okay, leave them there – the category of camp described what she just outlined
8 which was the five for the first 2 acres, and you've got that. Even if we went with 12 acres, it still
9 comes out to about 15 spaces. Another category the county has in their ordinance is for schools,
10 performing arts, sports and recreation, and that one we feel comfortably fits within the
11 programming of the Schoolhouse of Wonder, and the way that one works is it's one space for
12 every four students. So based on the average of the 63 or 5 or 68 students, we could see a total of
13 16 spaces, and then I've added an extra one for the ADA space, so a total of 17 spaces. So, that's
14 the number of the vehicles that we've determined.
15
- 16 T.C. Morphis: And David, I want to just make sure that this is clear for the Board, and I appreciate you've got
17 them labeled Road A and Road B. Are students being dropped off on Road B, or is that just on
18 Road A? So just kind of explain how the drop off and pick up works. Because I want the Board to
19 feel comfortable that with the two drive aisles being open that they really are functionally open for
20 when the cars are coming and going.
21
- 22 David Swanson: Okay, so I'll just almost have to lean to Marty on this one because historically, they've been doing
23 this since 2016. And you haven't shown this yet, but there's a signage up.
24
- 25 T.C. Morphis: You want to hop to that slide?
26
- 27 David Swanson: Well, show it just for helping everybody out.
28
- 29 T.C. Morphis: There you go.
30
- 31 David Swanson: This is just for signage that kind of helps direct and lets the general public know this is only for the
32 Schoolhouse of Wonder, first of all, and then it tells people where the reserve parking is. That's
33 been in place for quite some time now, this sign. It's really just a guide to let parents know where
34 to go. So that's what you're seeing here. So, to answer your question about how it works, and this
35 is why Marty's here, the programming, they have adult supervision, and there are usually two or so,
36 or at least one adult, and they are there when the drop off and pick up occurs. The little shed that
37 you saw in the photograph, if you can see on my little squiggly line here that's the current shed,
38 which I call it programming shed and then next to it is a little toilet.
39
- 40 T.C. Morphis: And David, sorry to interrupt you, but this is just for the transcript. So, this is in the cul-de-sac bulb
41 at the end of Road A.
42
- 43 David Swanson: That's right.
44
- 45 T.C. Morphis: Yeah.
46
- 47 David Swanson: And that, essentially what I'm describing is this is where the programming happens and where the
48 pickup and drop off occurs. There are trails that go out from here. And in addition, what you're
49 seeing is the location of the proposed structure. So, as you can imagine, this is where kids would,
50 and parents would migrate to.

1
2 T.C. Morphis: Okay. And this is really a question for Marty. Is there camper pickup and drop off in the cul-de-sac
3 bulb at the end of Road B?
4
5 Marty Jorgensen: No.
6
7 T.C. Morphis: Okay. So, what is Road B going to be used for, or I think it's currently used for?
8
9 Marty Jorgensen: It's currently used for parking and turnaround.
10
11 T.C. Morphis: Okay. So, yeah, so staff or other folks who are there, correct?
12
13 Marty Jorgensen: Yeah, and I would like to point out that our pickup and drop offs are windows. The parents naturally
14 stagger themselves, and so our use for parking, for many years, we would have only used the four
15 parking spots at the end of the bulb of Road A would have been enough for us as parents just kind
16 of cycle in and out. So, we don't have all the parents coming at once, and so our use for parking
17 spaces, again, would be less.
18
19 T.C. Morphis: Okay.
20
21 David Swanson: Yeah. And that might even be a distinction with the use of the terminology of parking because I
22 think typically, when one parks a car, just like we did tonight to come to this meeting, you lock the
23 door, and you leave your car for some period of time. This is really just the parent pickup and
24 drop-off situation. So, it's really just that, that's the use of it. We're still calling it parking but what
25 we have labeled here is stacking. Waiting and stacking.
26
27 T.C. Morphis: Okay. So, let's just quickly go through. This is a parking plan detail. Is there any other additional
28 information that you need to provide? I think you've done a great job of explaining how we
29 propose to provide both the minimum number of spaces and also address the concerns that have
30 been raised by staff. Anything else, David?
31
32 David Swanson: I think the drawing you just saw described it the best. This particular drawing, I know is labeled
33 parking plan detail, but it really helps define the structures the best.
34
35 T.C. Morphis: Is there anything else on the parking then?
36
37 Taylor Perschau: I have, I just have a question of whether this is updated, and we can share it with the Board?
38
39 David Swanson: Yes.
40
41 T.C. Morphis: We are going to offer that into evidence.
42
43 Taylor Perschau: I didn't know if this would be a better visual than what you're looking at the moment.
44
45 Leon Meyers: If you have it, we can certainly look at it.
46
47 T.C. Morphis: The problem, David, is the staff report they received. It's got the old one.
48
49 David Swanson: Got it, the old one.
50

- 1 T.C. Morphis: So, Mr. Chairman, we represent that is the same printed document as we've been showing you on
2 the PowerPoint. We'd have to be admitted in evidence.
3
- 4 Leon Meyers: So, admitted.
5
- 6 T.C. Morphis: Is there anything else that you'd like to discuss on the parking plan, David?
7
- 8 David Swanson: I think just to say that we've got it to 17 spaces, and the designated parking is on Road B, with the
9 distinction that we have an ADA space and a staff space next to the programming shelter, and
10 three additional parking spaces in that current bulb. Which does not conflict with the private road,
11 which I hope would meet your standards.
12
- 13 T.C. Morphis: All right, and just before you go, sir, you're not quite done yet. Okay, so did you have anything? I
14 know I labeled this parking plan detail, but I don't think there's anything else we need to discuss
15 with the board on this slide, correct?
16
- 17 David Swanson: I don't think so.
18
- 19 T.C. Morphis: Okay, I do have just one other thing, and I'm going to apologize, I've already, it's only Wednesday,
20 but I've already had a long week. I've let Mr. Swanson speak with great authority, but he's not
21 actually been qualified as an expert in anything. He could be an expert in spaghetti, for all you
22 know. So, let's go ahead and do that, and if you could, let's just back up. If you could give your
23 name, and also what your profession is.
24
- 25 David Swanson: Okay, I'm David Swanson, and I'm a landscape architect located in Chapel Hill, and I've been
26 doing it for about 40 years.
27
- 28 T.C. Morphis: Okay, and have you prepared site plans like the one that you prepared for Triangle Land
29 Conservancy?
30
- 31 David Swanson: Oh, yes.
32
- 33 T.C. Morphis: Okay. We'd ask that he be tendered and accepted as an expert in landscape architecture.
34
- 35 Leon Meyers: Board members, any objection?
36
- 37 T.C. Morphis: Okay. Thank you, sir. All right, and we are nearly done. The last thing I wanted to show, and this
38 is in our presentation, or it's in our application packet. We didn't bring an appraiser tonight, but we
39 did have an appraisal of the property done. The image on the right is just the cover of the
40 appraisal. It's in your packet, and this is on Page 73 of the agenda packet. The conclusion of the
41 appraiser was, it's the opinion of the appraiser that the available historical and current market data
42 does not indicate any adverse effects on the surrounding property values due to the special use
43 indicated above. There are several TMLS listings that include Brumley Nature Preserve and the
44 agent comments that it's one of the local public amenities. The appraiser's report is already in the
45 record, but we would ask that it be accepted as an exhibit along with our application.
46
- 47 Leon Meyers: In the packet. Thank you.
48
- 49 T.C. Morphis: Yes, sir. We have nothing further, but we're happy to answer any questions that you might have.
50

1 Leon Meyers: Board members, questions for the applicant's team?
2

3 Greg Niemiroski: In the presentation, it talked about one building, but I see on the plan, there's multiple, like three.
4 Is there a discrepancy there?
5

6 T.C. Morphis: There is not. We have the proposed structure and then we have these others. Hey, David, could
7 you also come up please, sir? We have listed three structures, but I believe that is a discrepancy
8 in the plan. So, the question was, we're talking about one building, but the parking plan detail
9 shows three. Can you all help with that?
10

11 David Swanson: So, the carport picture, if you will, the elevation that was shown earlier was 16 by 20 and 16 by 25.
12 It's a carport, and to make the square footage work, there's three separate carports. It's the most
13 economical structure.
14

15 T.C. Morphis: Oh, I'm sorry, but I think the question is, so we're talking about, there'd be three carports right
16 beside each other rather than just a single one.
17

18 David Swanson: That's right.
19

20 T.C. Morphis: Thank you for that. I don't think we made it sufficiently clear.
21

22 Leon Meyers: Other questions for the applicant's team? All right. A question for Taylor, just to clarify the UDO
23 parking requirement.
24

25 Beth Bronson: I have a question for the applicant. I wanted to make sure that there is no existing structure at the
26 moment. That is correct. Except for the mega tent.
27

28 Marty Jorgensen: Mega tarp.
29

30 Beth Bronson: Mega tarp. Okay, and so this is for like a summer camp that goes like 8 hours, and so if it's raining
31 for 8 hours, you just hang out under the tarp.
32

33 T.C. Morphis: Let's get image of mega tarp back and Marty can explain that little bit.
34

35 Beth Bronson: I have it in my head.
36

37 T.C. Morphis: Okay.
38

39 Marty Jorgensen: We've gone with a lot of different shelter options and when we first started in 2016, we actually
40 started before it was open to the public and we utilized giant tents. Those went away during COVID.
41 After that, we leaned into these tarps, which are pretty large and do a lot of things pretty well, but not
42 everything pretty well.
43

44 Beth Bronson: Yeah, the wind.
45

46 Marty Jorgensen: Yes.
47

48 Matt Rutledge: I want to mention TLC, there is a barn on site that in extreme weather, Schoolhouse is able to use.
49 It's quite a distance away from their main pickup and drop off location, so it can be hard to get there

1 quickly. It can be hard to if severe weather is happening, when kids are being picked up, things like
2 that.

3
4 Beth Bronson: I was going to say, there is no severe policy where you cancel camp.

5
6 Marty Jorgensen: We do cancel camps for extreme weather.

7
8 Beth Bronson: I just wanted to make sure. I don't assume anybody dislikes that. Like I know that kids want to be
9 outside, that's fine. But I just want to make sure I'm clear. Since 2017, there hasn't been a structure
10 built, and that has been what you guys have. The other question I had was that I did see the map
11 of Brumley South, and it does show some trails over there and specifically a graveyard, the white
12 trail is called the Graveyard Connector. I wanted to know if those would stay open, are they open
13 currently? Do they overlap with the 12-acres?

14
15 T.C. Morphis: And just to clarify, I don't want to jump in, but remember Brumley is part of or Brumley is a 600-acre
16 nature preserve.

17
18 Beth Bronson: Correct.

19
20 T.C. Morphis: So, there are existing trails. I act like I know what I was talking about, Matt, but you were going to
21 be a better resource.

22
23 Beth Bronson: There's the orange trail and then there's that white connector. Cemetery. Yes. Go ahead.

24
25 Matt Rutledge: There is one trail that kind of circles the cul-de-sac, and cuts across it, and then circles the two bulbs.
26 It is open to the public, so the public can go through there. It is not real heavily used but it is a way
27 that Schoolhouse can access the rest of the trail system. Because it does connect into the rest of
28 the trail system.

29
30 Beth Bronson: Certainly. Now if, for any reason, they were to become more heavily used, would you guys
31 reconsider that? Just given that this 12-acres is dedicated to a camp. Or, not at this time?

32
33 Matt Rutledge: I don't think it's been an issue up to now. If Schoolhouse came to us with a complaint and a need I
34 think we would consider that. That trail lies entirely within that 12-acres. So, we could set it aside
35 just for exclusive use, I guess, but I'm not sure we would want to do that, but we could. We could
36 consider it in the future.

37
38 Beth Bronson: I guess that would be the only thing is that they are going to only become more popular, right?

39
40 Marty Jorgensen: And I would add that though trail that loops. The cul-de-sacs is a hiking only trail and the vast
41 majority of trails and trail use at Brumley Forest is for mountain bikers.

42
43 Beth Bronson: I saw the white, the cemetery connector that is, and so the kids are not allowed on that one? Are
44 they not allowed on the bike paths? Or they are allowed?

45
46 Marty Jorgensen: No, they do go on the bike paths. That comment was to say the trail around there. We may see five
47 hikers over the whole summer.

48
49 Beth Bronson: Certainly. You're more likely to see bikers.

50

- 1 Marty Jorgensen: It doesn't go anywhere interesting except around the old cul-de-sac. So, it's not well used.
2
- 3 Beth Bronson: Certainly. No, I would say that hikers go on to the north and bikers go on to the south. But that said,
4 just from a safety perspective, that white trail, being so close to the campers and, adequate signage
5 and stuff like that for kids. But yeah, that's separate issue, I was just curious.
6
- 7 Matt Rutledge: The bike trails, we call them multi use. They are for hikers and bikers, and the rule is that bikers
8 yield to hikers.
9
- 10 Beth Bronson: Okay.
11
- 12 Matt Rutledge: It is not always followed, but we do have a partnership with TORC, which is a local mountain biking
13 organization, and they help us. They have representatives out there and kind of help us spread the
14 word to the mountain biking community, just be aware of rules like that.
15
- 16 Marty Jorgensen: And we also train our campers to get to the side with a little song.
17
- 18 Beth Bronson: Good. All right, I'm sorry, you had a question for Taylor?
19
- 20 Leon Meyers: Yeah, on parking. In the agenda package, I read the staff's opinion to be that the application as
21 presented did not meet the parking requirements and just for the record, can you tell us whether
22 these changes adequately address UDO parking requirements.
23
- 24 Taylor Perschau: So, it is correct that the staff report noted they did not meet Section 6.9, and actually, we haven't had
25 the opportunity to review except for just this moment, and I think that we're still determining. We have
26 some questions still for the, I guess you're calling it private road, Road A, where it's mostly parking.
27 It's still structured as a one way.
28
- 29 T.C. Morphis: What we've done, we've shown two cars, but those two cars are illustrating a car moving, just to
30 show that there's two-way access.
31
- 32 Taylor Perschau: My question is about this one.
33
- 34 T.C. Morphis: Private Road B.
35
- 36 Taylor Perschau: Yes.
37
- 38 T.C. Morphis: Right. So, we've shown parallel parking on that road. If I may, let me just describe a little, I'm getting
39 into legal terms here, but we're trying to do this without building anything with, and it's mostly from
40 an environmental standpoint, and I realize the staff has parking requirements, but we're trying to use
41 an existing infrastructure as much as we can without adding more gravel, and more impervious
42 surface, without adding another parking lot. They already have a fairly large parking lot on these 95
43 acres that serves the larger public for the mountain biking and the hiking community, and really for
44 the practical benefit and the practical use and the benefit of the Schoolhouse of Wonder. They don't
45 really need parking in the true designation of parking. It's really just drop-off zones. We're trying to
46 respect the clearance that we have that Taylor's described of the two-way traffic without putting any
47 parallel parking on that street and just to add to that, I don't think I made this point as clear as I would
48 have liked, really, Road A is the one that functions as a road. People come in; people go out. You
49 would want to be able to have that double clearing. Road B, we're calling it a road. It's effectively a

1 parking lot with a cul-de-sac bulb at the end, and so, again, it's just like David said so well, we're
 2 trying to use existing infrastructure.

3
 4 Patrick Mallett: Okay. This is my two cents and thank you for working with us. Thank you for recognizing
 5 that we have two requirements, and this is, I'll draw an analogy to a school. You have drop
 6 offs and then you have off street parking. For all intents and purposes, these are not roads.
 7 This is a parking lot and we would have to benchmark it to the closest standard we could find
 8 because this is a bit of a hybrid, and we recognize that, and we recognize the fact that with
 9 the law in terms of the parking requirement you need to be creative, and we do have
 10 provisions for you to accept that as an acceptable amount of parking but the fact of the matter
 11 is there does need to be some parking for overflow, for staff, and five children, all have gone
 12 to camp. More times than not, I'm parking and then getting out of my car to go get the child
 13 and get them all their stuff to the vehicle. So, we have to think it through in a reasonable
 14 fashion, and our only original concern was in your packet, this was shown with parallel parking
 15 and just enough room for one way, and so you end up in a dead-end scenario if you can
 16 imagine that, where you have to assume that there would be parked vehicles and then a car
 17 travels down to the cul-de-sac. They wouldn't be able to go back out, especially during the
 18 peak time when all the kids are coming in or out. So, this is much better, and in my personal
 19 professional opinion, I think they've come up with a creative scenario with regard to disbursing
 20 the parking and best utilizing the built environment. I will recognize, though, that this
 21 essentially amounts to up to interpretation something slightly more than one way but not quite
 22 two-way dimension, and if you're coming over here and parking, and then you get in your
 23 vehicle to come out or you're backing out, you're still going down a one way.

24
 25 T.C. Morphis: Where are you looking?

26
 27 Patrick Mallett: On Road B, so, there could be some signage or traffic control type elements that you might
 28 want to offer. And all we're looking for is just something that's reasonable but does account
 29 for the requirements and then public safety. The last thing I would add is we have people
 30 coming in and out, access. We have to think about first responders, public safety, in the
 31 unlikely event that they need to get there and get to someone, and can they get in there if
 32 there are cars parked or not. So, part of the consideration might be an agreement that there's
 33 adequate access for emergency services, and that the parking and/or the travel lane would
 34 include whatever the shoulder scenario is that the fire marshal would typically make a
 35 consideration for the shoulder for their access. So, I'm just throwing those things out there on
 36 the fly. We just saw this tonight.

37
 38 Leon Meyers: My question was actually about parking, and you just raised another issue which is emergency
 39 access, and at some point, I'm going to want to hear from the staff about whether, what the
 40 applicant has presented tonight, just speaking for myself, not for the Board certainly, complies
 41 with the requirements in the UDO.

42
 43 Taylor Perschau: Are you talking about parking specifically?

44
 45 Leon Meyers: That was the objection in the agenda package.

46
 47 Taylor Perschau: For my review saying that they weren't meeting, it can be two-fold. My review was specific to
 48 the direction, the one direction, not having an out, an egress. So, if they were going one way
 49 on Road A and then not having to turn around in the cul-de-sac and not having a two-way. If

1 we're thinking about this as a parking lot, our drive aisle standards for two-way traffic would
2 ask for 24-feet in width, and I believe it's 18 feet. Is that accurate?

3
4 T.C Morphis: Yes.

5
6 Taylor Perschau: In terms of parking number, there's an allowance for the planning director to make a
7 determination in Section 6.9.8, it's specific to a determination for unlisted uses, so here, on
8 the original plan that was submitted, the special use permit asked us for a Camp use. So, the
9 proposed parking would not meet the Camp use looking at the 95 acres. It would meet the
10 Camp use looking at the 12 acres. The plan that we were looking at, they also had parking
11 based on school use. So, actually the argument for the 12-acre calculation was also new to
12 me tonight. The plan I was previously looking at had a calculation that got to 24 spaces based
13 on using the calculation of the school use. So, we're looking at two new things to me tonight.
14 And I do think that we have maybe the planning director has some insight onto how we should
15 get moving on these ones.

16
17 Cy Stober: If, the only issue was the parking demand for the camp use I would likely have an opinion and
18 approve the parking as adequate for 12 acres, and we'd be comfortable with that as an
19 administrative matter, not before the Board. So, our private road standards allow some
20 discretion for emergency services to make the determination on whether a private road meets
21 their needs for access. And that really is at the professional discretion of the fire marshal.
22 And so, these have varied over the years. There is a metric, which Taylor already mentioned
23 of 24 feet of width. We have many private roads that are, under 20 is less common, but 20
24 feet in width, or some that include a graded but unsurfaced shoulder to allow for emergency
25 access. So, a term of approval could take into consideration the discretionary authority of the
26 emergency services staff, or even the director to approve the access on that road. And the
27 conflict I think has already been well-articulated tonight and it concerns both an emergency
28 access and trying to avoid a conflict between the drive values and parking needs, and I think
29 these are temporary parking needs. Our primary concern and my primary concern is about
30 permanent parking for staff and any parents that are going to be there longer than 10 or 15
31 minutes. Effectively, what we're hearing from the applicant this evening is that that parallel
32 parking is largely to be used for simply long-term queueing if you want to think about it. It's
33 not kiss and go, as you see at most schools. It going to be what Mr. Mallet described, which
34 is hop out, hop in, which can take, you know, longer, and we will have congestion likely, but
35 nothing that they haven't already been experiencing on the site. So that's the conflict we're
36 attempting to avoid with the parking and drive aisle concerns that staff has expressed. But
37 he has to reiterate onto the first point if it was left to my discretion, I'd be comfortable with the
38 12-acre camp use being satisfying with the parking provided.

39
40 Patrick Mallett: That's great to contextualize this, and I don't think we've ever cast any serious doubts to the
41 fact that it needs to be something less than what you would normally calculate. And then
42 there is a provision or called into question the appropriateness of their methodology. It's really
43 the spacing and the adequate access, and what is adequate in terms of the width and the
44 length for both purposes.

45
46 Leon Meyers: Okay.

47
48 T.C. Morphis: I had just two thoughts. One, I want to apologize to staff. We weren't trying to play gotcha by
49 presenting this document this evening. There's been a lot of back and forth, and the staff's
50 doing a great job working with this sort of unusual existing site, so apologies in that regard.

1 As far as potential conditions, just to tag on to what the plan director had said. If the Board
2 wants, we'd be happy to have a condition that says, a special use permit is subject to the fire
3 marshal signing off on the emergency access. And I've confirmed with my folks, and because
4 of the conservation easements on the property, it may be difficult or not allowed to expand the
5 paving, but we can certainly expand the shoulder area such that emergency vehicles could
6 have that additional access if needed. Also, we'd be happy to consent to a condition about
7 working with planning staff if they think there's additional signage that needs to be done. I
8 know there was a comment about kind of managing flow on what we call Road B. So, we'd
9 be happy to have a condition to that effect as well.

10
11 Leon Meyers: Thank you. Board members, any other questions for applicant or staff?

12
13 Beth Bronson: So, right now there is zero parking spots planned in the sense that you do not plan to define
14 those as parking spots. You plan to infer those as parking spots.

15
16 David Swanson: We've got them shown as striped parking spots.

17
18 Beth Bronson: Striped parking.

19
20 David Swanson: Just to be clear. It's, like the diagram, I assume you're looking at it with the very-

21
22 Beth Bronson: For the cul-de-sacs I understand.

23
24 David Swanson: And the parallel parking where they're 20-feet, same as you have along Franklin Street in
25 Chapel Hill.

26
27 Beth Bronson: Well, that's what I was thinking is that the angled parking spots, because you have a large
28 shoulder there, like it would make more sense for them to pull in.

29
30 David Swanson: We couldn't do angle parking without widening the road.

31
32 Beth Bronson: Makes sense.

33
34 David Swanson: I mean it's 18 feet wide as it's been pointed out.

35
36 Beth Bronson: That's why I'm trying to think of like turning around.

37
38 David Swanson: Well, these can work as T turnarounds. The design of a cul-de-sac was typically done when
39 it was a neighborhood or for subdivision standards, mostly for a fire truck to make a full turn
40 around. But this works in the case of a T turnaround.

41
42 Beth Bronson: Yeah, and I guess for the emergency services, it being the cul-de-sac, but you're also adding
43 parking spots in both cul-de-sacs. So, in that sense of putting the condition on the emergency
44 services, I wouldn't want to, yeah, I'd be concerned that they would change that type of design,
45 I guess.

46
47 David Swanson: True. I'll just leave it at that.

48
49 Beth Bronson: Yeah, that's okay.

50

- 1 David Swanson: That's really up for them to look at, because there's not a structure that typically would like a
2 fire truck would need to get in there.
3
- 4 Beth Bronson: It would be more about how they got out. I understand that. All right.
5
- 6 Leon Meyers: I believe there is a review from emergency services here as part of the package, and their
7 only comment, if I remember correctly, was that the site needs an assigned address, which it
8 will get as part of the building permit process.
9
- 10 T.C. Morphis: We did get an official address.
11
- 12 Leon Meyers: All right. Board members, any other questions for our applicant or staff? Then the matter is
13 before the Board, and I'll just remind everybody for process here, we would approve the
14 standards examined, which are on Page 114 of the package. And then we would approve the
15 findings, which are on Page 121, and the conclusions, which are on Page 123, along the way
16 considering adding conditions if Board members thinks that's appropriate.
17
- 18 Kyle Myers: I think from a safety perspective, the condition of fire marshal approval is important.
19
- 20 Beth Bronson: I would agree with that.
21
- 22 Greg Niemiroski: Would it also apply for parking?
23
- 24 Leon Meyers: Well, I think we've, for me, solved the parking issues resolved with Cy's statement. Then a
25 motion would be in order to approve the standards examined, Page 114. Morgan, please
26 redirect us if I've got us headed off the road here.
27
- 28 Morgan Pierce: I'm shaking my head yes.
29
- 30 Leon Meyers: Okay.
31
- 32 Beth Bronson: I would make a motion that the standards reviewed, and evidence received referenced on
33 Page 113 of our agenda packet be approved and are consistent and in line with the necessary
34 information compliant to the specific standards outlined.
35
- 36 Jeff Scott: Second.
37
- 38 Leon Meyers: The discussion on approval of the standards examined. All in favor, please say aye.
39
- 40 **MOTION** was made by Beth Bronson. Seconded by Jeff Scott.
41
- 42 **VOTE:** Unanimous
43
- 44 Leon Meyers: None opposed. The next motion would be findings, and some place in here the motion make
45 would need to insert the conditions that we've talked about.
46
- 47 Kyle Myers: Can you just say that one more time?
48

- 1 Leon Meyers: The next motion might be to approve the findings based on Page 121 in the packet provided
2 that two conditions be added to those listed in the package, and those would be approval by
3 the fire marshal. Maybe just one condition.
4
- 5 Taylor Perschau: As well as to consider a condition accepting the new revised site plans submitted tonight.
6
- 7 Leon Meyers: Thank you for that.
8
- 9 Beth Bronson: I will make a motion that the findings of fact pertaining to the requests submitted by the TLC
10 proposing for the camp use are sufficient. Save the two conditions that were discussed
11 tonight. One, that we would like to require the approval of a fire marshal review for emergency
12 service vehicles to be, and any suggestions to be taken into consideration, and two, that it
13 coincides with a stacked review of the updated site plan that was provided this evening, on
14 December 11th so that it could be thoroughly reviewed by staff.
15
- 16 Leon Meyers: So that was approving the findings of fact adding the condition of fire marshal approval for
17 emergency access.
18
- 19 Beth Bronson: Yes.
20
- 21 Leon Meyers: And just confirming that we are approving based on the revised site plan that we saw tonight.
22
- 23 Beth Bronson: We're approving based on that staff will be approving this revised site plan.
24
- 25 Leon Meyers: Okay. There's a motion. Is there a second?
26
- 27 Jeff Scott: Second.
28
- 29 Leon Meyers: Any discussion on the motion on findings. All in favor, please say aye.
30
- 31 **MOTION** was made by Beth Bronson. Seconded by Jeff Scott.
32
- 33 **VOTE:** Unanimous
34
- 35 Leon Meyers: And the final motion would be the conclusions, which are listed on Page 123 with the two
36 added conditions.
37
- 38 Beth Bronson: Kyle, would you like to try?
39
- 40 Kyle Myers: I don't know.
41
- 42 Beth Bronson: It's okay. No. I totally understand. I can go ahead and make a motion.
43
- 44 Leon Meyers: Please do.
45
- 46 Beth Bronson: The conclusions of the Board of Adjustment pertaining to the requests submitted by the
47 Triangle Land Conservancy proposing a camp use on the referenced parcel located at 3223
48 New Hope Church Road and the reference pin. Based on the objective findings of fact and
49 the relevant standards found in the UDO, and the evidence reviewed that we approve the

1 special use permit for this request with the two conditions that were previously stated in the
2 finding of fact.

3
4 Greg Niemiroski: Second.

5
6 Leon Meyers: Any discussion on the conclusions of motion? All in favor please say aye.

7
8 **MOTION** was made by Beth Bronson. Seconded by Greg Niemiroski.

9
10 **VOTE:** Unanimous

11
12 Leon Meyers: None opposed. The special use permit is approved. Thank you, folks. Good luck with your
13 project.

14
15 Beth Bronson: On those conditions.

16
17 Leon Meyers: On those conditions. Pat and Taylor and others, anything else that the Board needs to take
18 care of this evening?

19
20 Patrick Mallett: I don't think that we're going to have, we don't have any pending things, and I don't think that
21 the stars will align that we will have anything in January, so you'll have a little bit of a break.
22 We've been kind of meeting every month. I would note that just generically, just so you know,
23 it sounds like we had an appeal of an advisory opinion that was filed today that I'm guessing
24 we'll be seeing on an agenda. More to come. So, this is related to an advisory opinion by a
25 determination with regard to bona fide farm use on a specific piece of property, commonly
26 referred to as Union Grove Farm, the old Maplevue portion Union Grove Farm.

27
28 Leon Meyers: Okay.

29
30 Cy Stober: Just a point of clarification, the binding determination has not been issued at this time. It's an
31 advisory opinion that's being appealed.

32
33 Leon Meyers: Okay.

34
35 Patrick Mallett: Good point.

36
37 Leon Meyers: Okay. Good. Unless anybody objects, we are adjourned.

38
39 Beth Bronson: I hope everybody has a good holiday.

40
41 Leon Meyers: Yes indeed.

42
43 Beth Bronson: It was good to meet you Kyle, and I would make a motion to adjourn.

44
45 Greg Niemiroski: Second.

46
47 **MOTION** was made by Beth Bronson. Seconded by Greg Niemiroski.

48
49 **VOTE:** Unanimous

1 **AGENDA ITEM 7: ADJOURNMENT**

2 The meeting was adjourned at 8:39 p.m.

3

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NAME OF CHAIR, CHAIR

**ORANGE COUNTY
BOARD OF ADJUSTMENT
PUBLIC HEARING
AGENDA ITEM ABSTRACT CASE A-3-25 (SUP25-0002)
Meeting Date: June 11, 2025**

**Agenda
Item No. 6**

SUBJECT: Modification to the Holly Creek Lane Special Use Permit (A-4-20) to allow for a Revised Site Plan and Conditions (SUP25-0002)

DEPARTMENT: Planning and Inspections

PUBLIC HEARING: (Y/N)

Yes

ATTACHMENTS:

1. Zoning Report;
2. Application Package;
3. Notification Materials;
4. Standards and Evidence;
5. Findings of Fact;
6. Approved and Revised Site Plans

INFORMATION CONTACT:

Patrick Mallett,
Deputy Director, Development Services
(919) 245-2577

Jack Moran,
Planner I
(919) 245-2571

PURPOSE: To review modification to the original Site Plan and Conditions approved for the February 25, 2022, Holly Creek Lane Special Use Permit (SUP) (A-4-20), which allowed for the establishment of a “Recreational Facility”. This request is in accordance with the approved SUP and the modification provisions of:

- *Section 2.7: Special Uses,*
- *Section 2.7.14 Special Use Permits- Modifications to Approved Plans; and*
- *Section 5.2: Table of Permitted Uses;*
- *Section 5.3.2: Application of Use Standards – Special Uses,*
- *Section 5.7.2: Recreational Facilities*

BACKGROUND: The basic facts concerning the current application are as follows:

Proposal: As detailed within Attachment 2, the applicant proposes to only modify the approved SUP to 1) revise the Site Plan to allow for the addition of accessory structures for equipment storage and on-site service facilities; and 2) amend the previously-approved hours and months of operation. The revision does not propose to change or modify any other elements of the approved SUP (A-4-20) and does not constitute an expansion of the existing recreational facility.

For materials related to the existing Special Use Permit A-4-20 and this request (SUP25-0002), please refer to the Orange County Customer Service Portal via the following links:

SUP A-4-20

https://centralpermits.orangecountync.gov/EnerGov_Prod/SelfService#/plan/d82288e4-58f2-496b-9de2-c7e75f29611a?tab=attachments

SUP25-0002

https://centralpermits.orangecountync.gov/EnerGov_Prod/SelfService#/plan/3980a185-cb27-48df-898c-b053a6a1e354?tab=attachments

Basic Review Process: An application for major modification to an approved Special Use Permit requires submission of an amended site plan and written narrative outlining the specific changes requested, in accordance with Section 2.7.14(E) of the UDO:

- **FIRST ACTION** – Staff Review/Analysis Begins
STAFF COMMENT: An analysis of the application was made by qualified representatives of the County and other agencies or officials.
- **SECOND ACTION** – Development Advisory Committee Review/Analysis
STAFF COMMENT: The Orange County Development Advisory Committee (DAC) met May 1, 2025, to review this request. DAC comments are available on-line via the Customer Service Portal link above.
- **THIRD ACTION** – The BOA sets an Evidentiary Hearing to receive testimony concerning the modification request.
STAFF COMMENT: The hearing is anticipated to be held on June 11, 2025.

A formal application is required as part of this SUP modification request and has been submitted (Attachment 2). Approval of the application is part of the Special Use Permit process and shall include making appropriate findings of fact stating that the Board concludes all applicable standards have been met.

Public Notification(s): In accordance with UDO Sections 2.7.6 and 2.7.14(E), notices of the Evidentiary Hearing were mailed via first class mail to all adjacent property owners of the subject parcel. These notices were mailed on May 28, 2025, 14 days before the meeting. Staff also posted the property with signs on May 28, 2025, 14 days before the meeting. See Attachment 3 for the notification materials.

Planning Director's Comments: The Planning Director has determined the application is complete. The submitted site plan revision is consistent with the established site plan requirements of UDO Section 2.5 and the established development standards detailed in Section 5.7.2. Neither the Director nor the Planning Staff make a formal recommendation on Board action regarding an application, nor on the compliance of the project with the "Special Uses" General Standards in Section 5.3.2(A)(2).

Board of Adjustment Findings and Actions

The Board of Adjustment must determine, based upon submitted evidence and testimony, if:

- (a) The use will maintain or promote the public health, safety and general welfare, if located where proposed and developed and operated according to the plan as submitted;

- (b) The use will maintain or enhance the value of contiguous property (unless the use is a public necessity, in which case the use need not maintain or enhance the value of contiguous property); and
- (c) The location and character of the use, if developed according to the plan submitted, will be in harmony with the area in which it is to be located and the use is in compliance with the plan for the physical development of the County as embodied in these regulations or in the Comprehensive Plan, or portion thereof, adopted by the Board of County Commissioners.

In addition, the Board shall make findings certifying that the application is compliant with the following specific standards:

- (1) Specific submittal standards for Special Use Permit applications, detailed in UDO Section(s) 2.2 and 2.7.
- (2) Specific use standards for Recreational Facilities, detailed in UDO Section 5.7.2.
- (3) Specific standards for Special Uses, detailed in Section 5.3.2(B), relating to the method and adequacy of the provision of:
 - a. Provision of sewage disposal facilities, solid waste, and water,
 - b. Police, fire, and rescue squad protection,
 - c. Vehicular access to the site and traffic conditions around the site, and
 - d. Other use specific standards as set forth.

Per UDO Section 2.7.11(A), the Board of Adjustment may impose such reasonable conditions upon approval of a Special Use as will afford protection of the public health, safety, and general welfare, ensure that substantial justice is done, and equitable treatment provided.

The Board of Adjustment must take one of the following actions upon an application for a Major Modification to a Special Use Permit:

- (1) Approval;
- (2) Approval with conditions; or
- (3) Denial

Zoning Report

Parcel Data

Parcel Identification Number (PIN): 9758525171
 Size: 16.28 acres

Relevant Documents for Register of Deeds

Plat Book/Page: 1R VISHWANATHAA PATIL P115/139
 Other Relevant Documents: Conservation Easement PB107/9, Special Use Permit RB6770/1520

Zoning Information

Base Zoning District: Rural Buffer (RB)
 Min Lot Size: 2 acres
 Min Lot Width: 130 ft.
 Max Density: 1 dwelling per 5 acres
 Overlay Zoning District(s): University Lake Protected Watershed
 Max Impervious Surface: 6% (42,549 sq. ft.)
 Max Building Height: 25'
 Building Setbacks: Front (Old Greensboro Rd.) 40', Front (Holly Creek Ln.) 40', Side 20', Rear 20'

Streams, Water Body, Floodplain Buffers

Stream/Water Bodies: 100 ft. buffer
 Floodplain: N/A

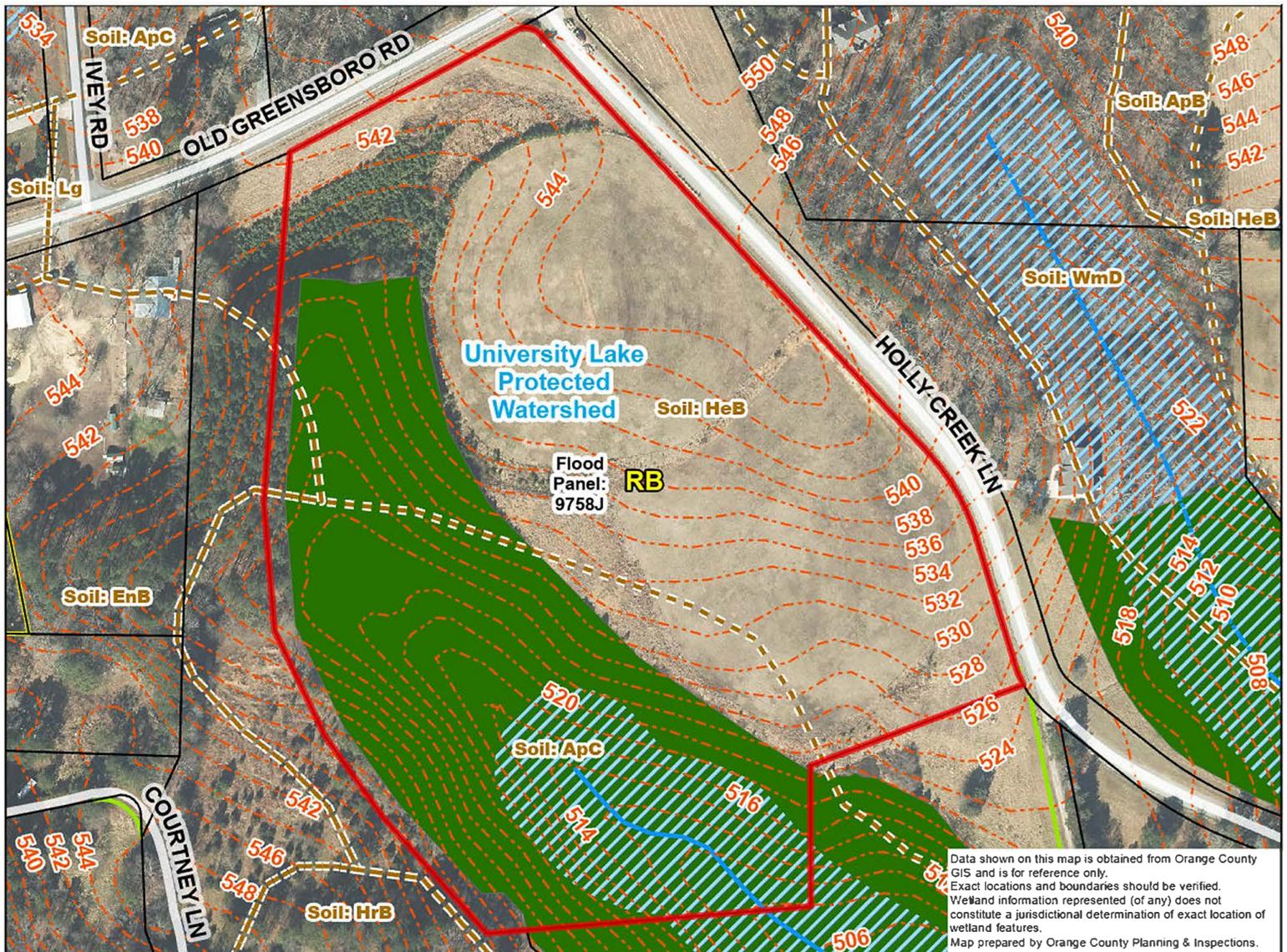
Land Disturbance Thresholds

Erosion Control: 10,000 sq. ft. Waiver needed if otherwise.
 Stormwater Management: 43,560 for residential use, 21,780 for nonresidential use.
 High Quality Water Zone (Y/N): Yes

Disclaimer

This report contains documents prepared for the inventory of real property within Orange County, and is compiled from recorded deed, plats, and other public records and data. Some of these documents are private agreements. Users of this report are hereby notified that the aforementioned public primary information sources should be consulted for verification of the information contained in this report. The county and its mapping companies assume no legal responsibility for the information on this report.

Please contact staff at 919-245-2575 if you have floodplain, High Quality Water Zone, or wetlands indicated on this report.



Data shown on this map is obtained from Orange County GIS and is for reference only. Exact locations and boundaries should be verified. Wetland information represented (if any) does not constitute a jurisdictional determination of exact location of wetland features. Map prepared by Orange County Planning & Inspections.

- | | | |
|---------------|---------------------|---------------------------------|
| Zoning | USGS Stream | FIRM |
| Parcels | Soils Survey Stream | Conservation Easements (Others) |
| Road Easement | Watersheds | Stream Buffer 100ft |
| Soils | 2' Contours (NCDOT) | |

ORANGE COUNTY

N

1 in = 200 feet

0 150 Feet



Orange County Planning & Inspections Department
131 W. Margaret Lane, Suite 200, Hillsborough, NC 27278
919-245-2575 or planningapps@orangecountync.gov

Special Use Permit Application

Please check all applicable boxes and complete the required documentation. Additional information and submittal requirements are contained in Section 2.7 of the Unified Development Ordinance (UDO).

If completing by hand, please use black or blue ink.

* Please fill out all required fields

The Orange County Board of Adjustment shall approve or deny Special Use Permit applications as provided for within the Unified Development Ordinance (UDO) with a majority vote. The applicant must provide material, competent, and substantial evidence for each standard required by the UDO. Please check all applicable boxes and complete the required documentation.

Date: []

Contact Information*

Property Owner(s): []

Mailing Address: []

Phone: [] Email: []

Applicant (if different than property owner): []

Mailing Address: []

Phone: [] Email: []

Property Information*

Parcel ID Number (PIN): []

Address: []

Zoning: [] Watershed: []

Certification and Signatures*

I, [], have standing as described in Exhibit A and hereby request the Board of Adjustment to conduct an evidentiary hearing on my permit application, a use described, and limited as described, in Exhibit B. I anticipate the presentation of evidence to be:

[] Thirty (30) minutes or less, and understand Exhibits C, D, E and F are optional.

[] More than thirty (30) minutes and have included the following:

- A listing of intended evidence (Exhibit C),
Proposed Findings of Fact (Exhibit D),
Proposed Conditions (Exhibit E), and
Proposed Order (Exhibit F).

STATEMENT BY APPLICANT: I certify that the information presented by me in this application is accurate to the best of my knowledge, information, and belief.

[Signature]

Owner Signature(s)

03/18/2025

Date

[Signature]

Applicant Signature (if different from owner)

[]

Date

Exhibit A – Statement of Standing*

- I am the sole owner of the property subject to this application.
- I have attached notarized letters authorizing this submittal from all entities or individuals with ownership rights to the property.

Property Owner Information

Name:

Address:

Home Phone:

Cell Phone:

Email:

Applicant Information Same as owner

Name:

Address:

Home Phone:

Cell Phone:

Email:

Agent Information

Name:

Address:

Home Phone:

Cell Phone:

Email:

Law Firm Name: Bar Number:

Note: Only attorneys may serve as agents during quasi-judicial hearings. Realtors, surveyors and other professionals may not apply or make arguments on behalf of owners.

Exhibit B – Narrative of Proposed Land Use*

Insert and label as “Exhibit B” a narrative description of the proposed land use. Include a detailed description of the proposed use of property, including an outline of the proposed operational characteristics of the proposed development. Also, include descriptions of structural components such as the basic size, form, and character of the buildings shown on the site plan.

Exhibit C – Intended Evidence*

I intend to introduce the following document and have attached it follows:

Exhibit #1 entitled:

This is relevant to standards from Unified Development Ordinance (UDO) Sections:

It demonstrates that:

Intend to call the following as a lay witness:

Lay Witness #1:

Their intended testimony has been included in an affidavit attached as Exhibit:

This witness has personal knowledge of and will testify about:

This testimony is relevant to standards from UDO Sections:

The testimony will demonstrate that:

Intend to call the following as an expert witness:

Expert Witness #1:

Is being offered as an expert in:

They possess specialized knowledge in this field through the following training and/or experience:

They reviewed or examined the following data:

They used the following method of analysis when reviewing that data:

This expert opinion is relevant the standard at UDO Section:

It demonstrates that:

Their intended testimony has been included in an affidavit attached as Exhibit:

(attach additional sheets as necessary)

Exhibit D – Proposed Findings of Fact*

The Applicant shall be required to provide the proposed findings of fact for the project based on the specific development standards for a proposed land use as detailed in Article 5 of the UDO as well as the general findings as contained in Section 5.3.2 of the UDO:

#	REQUIREMENT	UDO Section	SUPPORTING EVIDENCE (Finding of Fact)	Condition #
Application Components and Required Submittal Information:				
1.	Proper forms	2.2	Proper forms were submitted	
2.	Fees paid	2.2.4(D)	Proper fees were submitted	
3.	Full description of use <ul style="list-style-type: none"> ▪ Location ▪ Appearance ▪ Operational characteristics 	2.7.3(B)(1)	See original SUP	
4.	Owner Information	2.7.3(B)(2)	Complete ownership was information submitted	
5.	Information needed for Use Standards	2.7.3(B)(3)	See original SUP	
6.	Site Plans	2.7.3(B)(4)	The site plan submitted in an acceptable manner	
7.	List of parcels within 1,000 feet	2.7.3(B)(5)	List of parcels within 1,000 feet were submitted.	
8.	Elevations of all structures	2.7.3(B)(6)	See original SUP	
9.	Environmental Assessment (or EIS)	2.7.3(B)(7)	N/A	
10.	Method of Debris Disposal	2.7.3(B)(8)	N/A	
11.	Development Schedule	2.7.3(B)(9)	Applicant to outline the schedule upon approval	
12.	Extended Vesting Request	2.7.3(B)(10)	Applicant has provided an extended vesting request	
Notification Requirements:				
13.	Public Notice <ul style="list-style-type: none"> ▪ Date ▪ Time ▪ Place 	2.7.6(A)	Requirements were met	
14.	Sign Posting on Property (at least 10 days prior)	2.7.6(A)(2)	Requirements were met	
15.	Mailed Notice <ul style="list-style-type: none"> ▪ Certified mail ▪ All adjacent property owners (within 1,000 feet) ▪ Not less than fifteen days prior 	2.7.6(A)(1)	Requirements were met	
Specific Standards:				
16.	Waste Disposal Method and adequacy of provision for sewage disposal facilities, solid waste and water service.	5.3.2(B)(1)	See original SUP	
17.	Safety Method and adequacy of police, fire and rescue squad protection.	5.3.2(B)(2)	See original SUP	

18.	Vehicle Access Method and adequacy of vehicle access to the site and traffic conditions around the site.	5.3.2(B)(3)	See original SUP	
Specific Development Standards for Proposed Land Use (Article 5)*:				

*The applicant is responsible for completing this section, identifying all development requirements/standards a proposed land use is required to abide by, and provide sufficient detail documenting what evidence has been submitted documenting compliance. An application shall be considered incomplete without the proposed Findings of Fact completed by the applicant

General Standards	UDO Section	SUPPORTING EVIDENCE (Finding of Fact)	Condition #
The use will maintain or promote the public health, safety and general welfare	5.3.2(A)(2)(a)	See original SUP	
The use will maintain or enhance the value of contiguous property (unless the use is a public necessity)	5.3.2(A)(2)(b)	See original SUP	
The use will be in harmony with the area and is in compliance with the Comprehensive Plan.	5.3.2(A)(2)(c)	See original SUP	

Exhibit E – Proposed Conditions*

The Board of Adjustment **must deny** the permit if any standard cannot be met either by a showing of evidence or by a condition placed upon the permit. Staff has included the general conditions required for all Special Use Permits, as detailed within the UDO.

Please list any proposed conditions which may be necessary for the Board of Adjustment to find that all standards will be met.

1. For public safety as required in 5.3.2(B)(2) of the UDO, final assignment of a street address shall be completed by Orange County Land Records prior to the issuance of any permit authorizing land disturbing activity on the property in accordance with the Orange County Addressing Ordinance.
2. Per Section 2.5 of the UDO, the applicant shall obtain all necessary development permits from the County prior to the initiation of any land disturbing activity associated with the construction of the proposed use including, but not limited to: Building Permit, Land Disturbance Permit (LDP), Solid Waste Management Permit, and Zoning Compliance Permit.
3. In accordance with the provisions of Section 2.7.11 (C) of the UDO, if any condition of this Special Use Permit shall be held invalid or void, then this Special Use Permit shall be void in its entirety and of no effect.
4. In accordance with the provisions of Section 2.7.11 (D) of the UDO, the Special Use Permit will automatically expire within 12 months from the date of approval if the use has not commenced or construction has not commenced or proceeded unless a timely application for extension of this time limit is approved by the Board of Adjustment.

Exhibit F – Proposed Order:

**FINDINGS OF THE ORANGE COUNTY BOARD OF ADJUSTMENT
PERTAINING TO A REQUEST SUBMITTED BY
_____ (APPLICANT)
PROPOSING _____ (PROPOSED LAND USE)
ON _____ (ROAD NAME AND PINS OF
PROPERTY INVOLVED WITH APPLICATION)**

As required under Section 5.2 *Table of Permitted Uses* of the Orange County Unified Development Ordinance (UDO), a Special Use Permit is required for the development/operation of a _____ (Proposed Land Use), in accordance with the provisions of Section 2.7 of the UDO.

Such permits shall comply with general and specific standards as set forth in Section(s) 5.3.2 and _____ (Section of Article 5 establishing development standards for proposed land use) of the UDO.

Section 5.3.2 (A) (2) of the UDO requires written findings certifying compliance with the following:

- (1) The use will maintain or promote the public health, safety and general welfare, if located where proposed and developed and operated according to the plan as submitted;
- (2) The use will maintain or enhance the value of contiguous property (unless the use is a public necessity, in which case the use need not maintain or enhance the value of contiguous property); and
- (3) The location and character of the use, if developed according to the plan submitted, will be in harmony with the area in which it is to be located and the use is in compliance with the plan for the physical development of the County as embodied in these regulations or in the Comprehensive Plan, or portion thereof, adopted by the Board of County Commissioners;

In addition, the Board of Adjustment shall make findings certifying that the application is compliant with the following specific standards:

- (1) Specific standards for the submission of Special Use Permit applications as outlined within Section(s) 2.2 and 2.7 of the UDO.
- (2) Specific regulations governing the development of a _____ (Proposed land use) as set forth in Section _____ (Section of Article 5 establishing development standards for proposed land use) of the UDO.
- (3) Section 5.3.2 (B) relating to the method and adequacy of the provision of:
 - a. Sewage disposal facilities,
 - b. The adequacy of police, fire, and rescue squad protection, and
 - c. The adequacy of vehicular access to the site and traffic conditions around the site.
- (4) The general findings outlined within Section 5.3.2 (A) (2).

Upon holding of an evidentiary hearing, and accepting into the record of competent, material evidence and sworn testimony concerning the application, the Orange County Board Adjustment (BOA) hereby makes the following findings of fact and conclusions of law:

#	REQUIREMENT	UDO Section	SUPPORTING EVIDENCE (Finding of Fact)	Condition #
Application Components and Required Submittal Information:				
Notification Requirements:				
Specific Standards:				
Specific Development Standards for Proposed Land Use (Article 5)*				

Based on the competent material evidence and sworn testimony in the record the BOA hereby make(s) an affirmative finding on the specific standards of evaluation and general standards as detailed herein, further finding no evidence has been entered into the record demonstrating the applicant has:

- a. Failed to meet their burden of proof that the project complies with the specific development standards for a telecommunication facility, or
 - b. Failed to comply with the general standards detailed within Section 5.3.2 (A) (2) of the UDO.
- The BOA hereby approves the Special Use Permit subject to compliance with the following conditions:

(CONDITIONS HERE)

Proposed Conditions, a reference to SUP25-002

Seeking to amend the existing SUP with a Major Modification to the Site Plan and the current SUP conditions.

PROPOSED NEW SUP CONDITIONS (Highlighted)

3. Consistent with the submitted Special Use Permit application, applicant testimony, and for public safety purposes as required in Section 5.3.2 (B) (2), cricket play shall only:
 - a. Occur from the months of April through **November**.
 - b. Be played during weekends (Saturday and/or Sunday **and long weekends**) with practices being limited to **four** days a week for no more than **4** hours during daylight hours.
 - c. Permission to conduct wash-out games (make-up games) during weekdays but limited to some weekdays (not every week).**

9. The recreational facility shall use portable toilets, which shall be:
 - c. Removed from the site at the conclusion of the cricket season, no later than the end of **November** every calendar year.

Justification for the request of modifications to the SUP conditions

Extension of practice days, hours and one extra month to accommodate more playing time:
The proposed timeline aligns with optimal weather conditions and seasonal considerations.

Conduct wash-out games (make-up games) during weekdays: North Carolina gets a good amount of rain (25% of the games get washed out). Allowing make-up games on select weekdays ensures the season remains on track following unexpected cancellations due to inclement weather.

Site Plan Modifications:

Open shed in Summer for Players: An open shed provides essential shade and shelter for players during the hot summer months. This structure helps prevent heat-related illnesses such as dehydration, heat exhaustion, and heat stroke, ensuring they can rest comfortably between games.

Installation of a storage shed: A storage shed ensures that large equipment is securely stored, organized, and protected from environmental damage. The shed will be a metal structure with covered sides. It will be used to store equipment such as mowers, rollers etc. that are required for the maintenance of the fields.

Open batting cages: Batting cages provide a safe, enclosed space for players to practice batting techniques without the risk of stray balls posing a hazard. Cages will be created by using nets and poles. The cage material will be similar to that of the fence along Holly Creek Lane. **This will not be impervious. No grading required and will stay as a natural surface.**

The proposed shed and practice area will be at the back end of the lower field, away from Holly Creek Lane.

Permanent Toilet Facility with breakroom

A permanent toilet facility with a breakroom is essential for ensuring the comfort and well-being of players. It will provide hygiene standards that are critical for public health. The breakroom offers a

designated space for participants to rest, rehydrate, and recover. This is required mainly for the comfort of our young girls that will be playing on our fields.

We are not able to provide more specifics other than the location of the proposed toilets. It is entirely up to getting a perk site approved for the same. The Environment Health Division is processing the application. The estimated time for approval is unknown.

operational efficiency by providing easy access to essential equipment during games and practices, reducing setup time and ensuring smooth event management.



Vishwanath Patil



Vinitha Cardoza

**NORTH CAROLINA
ORANGE COUNTY**

PREPARED BY: Patrick Mallett, Orange County Planning Department

RETURN TO: Orange County Planning Department
C/o Patrick Mallett
P.O. Box 8181
Hillsborough, NC 27278

COUNTY OF ORANGE

ORANGE COUNTY

NORTH CAROLINA

SPECIAL USE PERMIT (Case #A-4-20)

KNOW ALL PERSONS BY THESE PRESENTS, that the undersigned for the property located , at 1641 Holly Creek Lane, Chapel Hill, NC 27516 with approximately 16.2 acres of property along the south side of Old Greensboro, and further identified as Orange County Property Identification Number (PIN) 9758-52-5171, and having applied to Orange County for a Special Use Permit for the use and development of the property hereinafter described, the same was granted by Orange County on February 3, 2021, the terms of which are as follows:

NAME OF PROJECT: Patil Cricket Field Recreational Facility

TYPE OF SPECIAL USE: Recreation

PROPERTY OWNERS/ DEVELOPERS: Vishwanath Patil and Vinitha Cardoza

DESCRIPTION OF PREMISES

LOCATION: The primary physical address is 1641 Holly Creek Lane, Chapel Hill, NC 27516

PIN REFERENCES: 9758-52-5171

PROPERTY: 16.2 acres of property at the intersection of Old Greensboro Road and Holly Creek Lane. Property is hereinafter referred to as “the property.”

DEED REFERENCE: RB6104 PG 48

PLATS: PB 115 PG 139

SPECIAL TERMS AND CONDITIONS

The Board of Adjustment of Orange County approved granting a SPECIAL USE PERMIT on January 11, 2021 applicable to the property. The project subject to this SPECIAL USE PERMIT is described above and shown on the Site Plan dated December 20, 2020 by David Mufka, PLLC. The owners will operate a 2 cricket fields on the property. The terms herein contained are binding on the present owners and lessees and their successors in title and in interest until the expiration of this permit and any extension of its expiration date, until such time as this permit is otherwise changed by government action.

The recreation facility, and all other site improvements shall be operated in accordance with the Site Plan dated December 20, 2020, and all impact and safety commitments shall be as contained in the narrative statement of the project all of which are incorporated herein and made a part of this Special Use Permit. Copies of the final Site Plan and supporting documentation are on file in the Orange County Planning and Inspections Department. Except as detailed on the Site Plan, the property will remain and be maintained in its natural condition. The conditions of approval are as follows:

1. Consistent with the submitted Special Use Permit application, and for public safety purposes as required in Section 5.3.2 (B) (2), proposed outdoor athletic fields shall only be used to support the playing of cricket matches and practices. No other recreational activities are proposed for the property;
2. For public safety purposes as required in Section 5.3.2 (B) (2), a street address sign be assigned by Orange County Land Records, consistent with the County Addressing Ordinance, prior to the commencement of recreational activities;
3. Consistent with the submitted Special Use Permit application, applicant testimony, and for public safety purposes as required in Section 5.3.2 (B) (2), cricket play shall only:
 - a. Occur from the months of April through ~~October~~ November;
 - b. Be played during weekends and long weekends (Saturday and/or Sunday) with practices being limited to ~~two~~ four days a week for no more than ~~43~~ hours during daylight hours.
 - b.c. Permission to conduct wash-out games (make-up games) during weekdays but limited to some weekdays (not every week).
4. Consistent with the submitted Special Use Permit application, and for public safety purposes as required in Section 5.3.2 (B) (2), matches are for social/recreational purposes only. Use of the recreation facility will not be part of a professional league associated with earning prize money or other form of monetary gain for participants;
5. There shall be no use of Holly Creek Lane to support activities on the property (i.e. field access, parking, or staging of vehicles with the exception of public safety vehicles responding to an emergency);
6. In accordance with UDO Section 5.7.2 *Recreational Facilities*, Section 6.8. *Landscaping, Buffers, & Tree Protection*, and the submitted site plan, a 30 ft. land use

buffer shall be preserved around the perimeter of the recreational facility to screen it from adjacent parcels;

7. The recreational facility shall not use outdoor lighting. If the applicants wish to install lighting, they shall submit a request for modification of the approved Special Use Permit pursuant to UDO Sections 2.7.15 (10) and 2.7.15 (E) *Changes to Approved Plans*;
8. No amplified sound shall be permitted on-site;
9. The recreational facility shall use portable toilets, which shall be:
 - a. Serviced after every event within 72 hours,
 - b. Screened with a wall consistent with approved site plan, and
 - c. Removed from the site at the conclusion of the cricket season, no later than the ~~3-week-of-end of October-November~~ every calendar year.
10. Solid waste shall be contained in garbage and recycling receptacles on-site and shall be emptied by participants and the conclusion of each event or practice;
11. Applicant shall secure a driveway permit from the NC Department of Transportation prior to the commencement of land disturbing activities for the driveway off of Old Greensboro Road;
12. Development shall abide by the general standards of the Unified Development Ordinance (UDO) as detailed in Article 6 and the specific standards contained in Section 5.7.2;
13. Consistent with applicant testimony from the December 14, 2020 and January 11, 2021 Board of Adjustment public hearing(s), and the updated site plan/screening exhibit, no more than 46 cars shall be on-site at any time during a cricket match or practice. Further, all parking areas shall be screened (improved and overflow) consistent with the provisions of Section 6.8.7 of the UDO;
14. In accordance with UDO Sections 5.2 Table of Permitted Uses and 5.7.2 Recreational Facilities, activities allowed to occur on the property shall be in accordance with the submitted application package, site plan, and narrative as reviewed by the Orange County Board of Adjustment on January 25, 2021.
Furthermore, the site plan shall be updated and included as part of the site plan submittal for development permits;
15. The applicants shall obtain all applicable development permits from the County consistent with the approved SUP, including but not limited to: Erosion Control; Stormwater; and Zoning Compliance;
16. In accordance with UDO Section 2.7.12 (C) Conditions of Approval, if any condition of this Special Use Permit is held invalid or void, then this Special Use Permit shall be void in its entirety and of no effect;
17. In accordance with UDO Section 2.7.12 (D) Conditions of Approval, the Special Use Permit shall expire automatically within 12 months of the date of approval if the use

has not commenced or construction has not commenced or proceeded unless a timely application for extension of this time limit is approved by the Board of Adjustment.

**NORTH CAROLINA
ORANGE COUNTY**

IN WITNESS WHEREOF, Orange County has caused this instrument to be executed in its name as evidence of the issuance of said permit, and the undersigned being all of the property owners of the property above described, have executed this instrument in evidence of their acceptance of said Special Use Permit as a covenant running with the land.

ATTEST

THE COUNTY OF ORANGE

(SEAL)

BY

PATRICK R. MALLETT
ACTING SECRETARY TO THE BOARD OF ADJUSTMENT

I, _____, a Notary Public for said County and State, certify that

_____ personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official stamp or seal, this _____ day of _____, 20____.

Notary Public

My commission expires:

ACCEPTED AND APPROVED AS TO FORM AND SUBSTANCE:

By: _____
Vishwanath Patil

Vinitha Cardoza

**NORTH CAROLINA
ORANGE COUNTY**

I, _____, a Notary Public for said County and State, certify that
_____ personally appeared before me this day and acknowledged the due
execution of the foregoing instrument.

Witness my hand and official stamp or seal, this _____ day of _____, 20____.

Notary Public

My commission expires:

HOLLY CREEK LANE CRICKET FACILITY
SUP CONDITIONS SUP25-002

The conditions of approval are as follows:

1. Consistent with the submitted Special Use Permit application, and for public safety purposes as required in Section 5.3.2 (B) (2), proposed outdoor athletic fields shall only be used to support the playing of cricket matches and practices. No other recreational activities are proposed for the property;
2. For public safety purposes as required in Section 5.3.2 (B)(2), a street address sign be assigned by Orange County Land Records, consistent with the County Addressing Ordinance, prior to the commencement of recreational activities;
3. Consistent with the submitted Special Use Permit application, applicant testimony, and for public safety purposes as required in Section 5.3.2 (B)(2), cricket play shall only:
 - a. Occur from the months of April through November,
 - b. Be played during weekends and long weekends (Saturday and/or Sunday) with practices being limited to four days a week for no more than 4 hours during daylight hours, and
 - c. Permission to conduct wash-out games (make-up games) during weekdays but limited to some weekdays (not every week).
4. Consistent with the submitted Special Use Permit application, and for public safety purposes as required in Section 5.3.2 (B) (2), matches are for social/recreational purposes only. Use of the recreation facility will not be part of a professional league associated with earning prize money or other form of monetary gain for participants;
5. There shall be no use of Holly Creek Lane to support activities on the property (i.e. field access, parking, or staging of vehicles with the exception of public safety vehicles responding to an emergency);
6. In accordance with UDO Section 5.7.2 *Recreational Facilities*, Section 6.8. *Landscaping, Buffers, & Tree Protection*, and the submitted site plan, a 30 ft. land use buffer shall be preserved around the perimeter of the recreational facility to screen it from adjacent parcels;
7. The recreational facility shall not use outdoor lighting. If the applicants wish to install lighting, they shall submit a request for modification of the approved Special Use Permit pursuant to UDO Sections 2.7.15 (10) and 2.7.15 (E) *Changes to Approved Plans*;
8. No amplified sound shall be permitted on-site;
9. The recreational facility may use portable toilets, which shall be:
 - a. Serviced after every event within 72-hours,
 - b. Screened with a wall consistent with approved site plan, and
 - c. Removed from the site at the conclusion of the cricket season, no later than the end of November every calendar year.

Permanent toilet facilities may be used as indicated on the Site Plan and permitted by Environmental Health.

10. Solid waste shall be contained in garbage and recycling receptacles on-site and shall be emptied by participants and the conclusion of each event or practice;

11. Applicant shall secure a driveway permit from the NC Department of Transportation prior to the commencement of land disturbing activities for the driveway off of Old Greensboro Road;
12. Development shall abide by the general standards of the Unified Development Ordinance (UDO) as detailed in Article 6 and the specific standards contained in Section 5.7.2;
13. Consistent with applicant testimony from the December 14, 2020, and January 11, 2021 Board of Adjustment public hearing(s), and the updated site plan/screening exhibit, no more than 46 cars shall be on-site at any time during a cricket match or practice. Further, all parking areas shall be screened (improved and overflow) consistent with the provisions of Section 6.8.7 of the UDO;
14. In accordance with UDO Sections 5.2 Table of Permitted Uses and 5.7.2 Recreational Facilities, activities allowed to occur on the property shall be in accordance with the submitted application package, site plan, and narrative as reviewed by the Orange County Board of Adjustment on January 25, 2021.

Furthermore, the site plan shall be updated and included as part of the site plan submittal for development permits;
15. The applicants shall obtain all applicable development permits from the County consistent with the approved SUP, including but not limited to: Erosion Control; Stormwater; and Zoning Compliance;
16. In accordance with UDO Section 2.7.12 (C) Conditions of Approval, if any condition of this Special Use Permit is held invalid or void, then this Special Use Permit shall be void in its entirety and of no effect;
17. In accordance with UDO Section 2.7.12 (D) Conditions of Approval, the Special Use Permit shall expire automatically within 12 months of the date of approval if the use has not commenced or construction has not commenced or proceeded unless a timely application for extension of this time limit is approved by the Board of Adjustment.

DocuSigned by:

Vishwanath Patil

1E6A916ED38546C...

5/29/2025

Signatures

Date

PLANNING *and* INSPECTIONS

Cy Stober, AICP, Director | cstober@orangecountync.gov | 131 W. Margaret Lane, Hillsborough, NC 27278 | 919.245.2575

**CERTIFICATION OF MAILING
BOARD OF ADJUSTMENT EVIDENTIARY HEARING
ORANGE COUNTY, NORTH CAROLINA**

I, John A. Moran, with Orange County, North Carolina, DO HEREBY CERTIFY that in accordance with the provisions of Section 2.7 of the Orange County Unified Development Ordinance (UDO) I have mailed, or caused to be mailed, via mail a Board of Adjustment Evidentiary Hearing Notice regarding a Special Use Permit modification for Holly Creek Lane (SUP25-0002) on May 28, 2025.

This notice informed those property owners within 1,000 ft. of the subject property of the proposed Special Use Permit. The owners were identified according to the Tax Records and as required by the UDO.

The mailed notice specified the date, time, place and subject of the Evidentiary Hearing meeting and provided information on the Special Use Permit review process.

WITNESS my hand, this 28th day of May 2025.

A handwritten signature in black ink, appearing to read "John A. Moran", written over a horizontal line.

John A. Moran
Planner I
Orange County Planning and Inspections Department



Cy Stober, AICP, Director | cstober@orangecountync.gov | 131 W. Margaret Lane, Hillsborough, NC 27278 | 919.245.2575

May 28, 2025

NOTICE OF BOARD OF ADJUSTMENT HEARING
TO REVIEW A SPECIAL USE PERMIT APPLICATION PROPOSING
A MAJOR MODIFICATION TO A PREVIOUSLY APPROVED SPECIAL USE
PERMIT (A-4-20) FOR A RECREATIONAL FACILITY (SUP25-0002)

Dear Property Owner:

This notice is to inform you of a June 11, 2025, Board of Adjustment (BOA) meeting, at which an application for a major modification to a previously approved Special Use Permit (SUP) for a Recreational Facility (Orange County PIN 9758-52-5171) will be reviewed and approved or denied. This notification is occurring in accordance with the provisions of Section 2.7 *Special Use Permits* of the Orange County Unified Development Ordinance (UDO).

The request includes proposed changes to the conditions regarding seasonal play in the original SUP and a site plan revision proposing the addition of accessory structures for maintenance and on-site service facilities. Per Section 2.17.14 of the UDO, these plan changes are considered major and require the BOA to approve the change.

The request will be reviewed by the Orange County Board of Adjustment at **7:00 p.m., June 11, 2025, at the Whitted Meeting Facility (300 West Tryon Street, Hillsborough, NC).**

NO CHANGES ARE PROPOSED FOR YOUR PROPERTY. You are receiving this notice because you own property located within 1,000-feet of parcel requested for a Special Use Permit.

PROPERTY INFORMATION	
Parcel ID Number (PIN)	9758-52-5171
Owner	Vishwanath Patil and Vinitha Cardoza
Applicant	Vishwanath Patil and Vinitha Cardoza
Location	1641 Holly Creek Lane
Acreage	+/- 16.28 acres
Current Zoning	Rural Buffer (RB)
Proposed Special Use(s)	No change – Recreational Facility
Watershed Designation	University Lake Protected Watershed

For materials related to the existing Special Use Permit A-4-20 and this request (SUP25-0002).

Refer to the Orange County Customer Service Portal via:

https://centralpermits.orangecountync.gov/EnerGov_Prod/SelfService#/plan/3980a185-cb27-48df-898c-b053a6a1e354?tab=attachments

Additional information is available on the Orange County Planning Department's website:

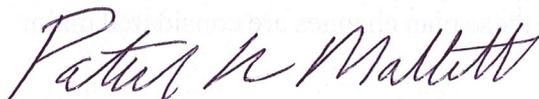
<https://www.orangecountync.gov/DocumentCenter/View/29515/Special-Use-Permit-Non-Telecommunication-Tower-Review-and-Approval-Flowchart?bidId=>

Additional information related to Special Use Permits can be found at the following link:

<https://www.orangecountync.gov/DocumentCenter/View/21348/Special-Use-Permit-Fact-Sheet?bidId=>.

If you cannot attend the Board of Adjustment meeting and the website does not answer your questions about the requested Special Use Permit, you may call 919-245-2575 during regular business hours and you will be directed to a staff person who can assist you.

Sincerely,

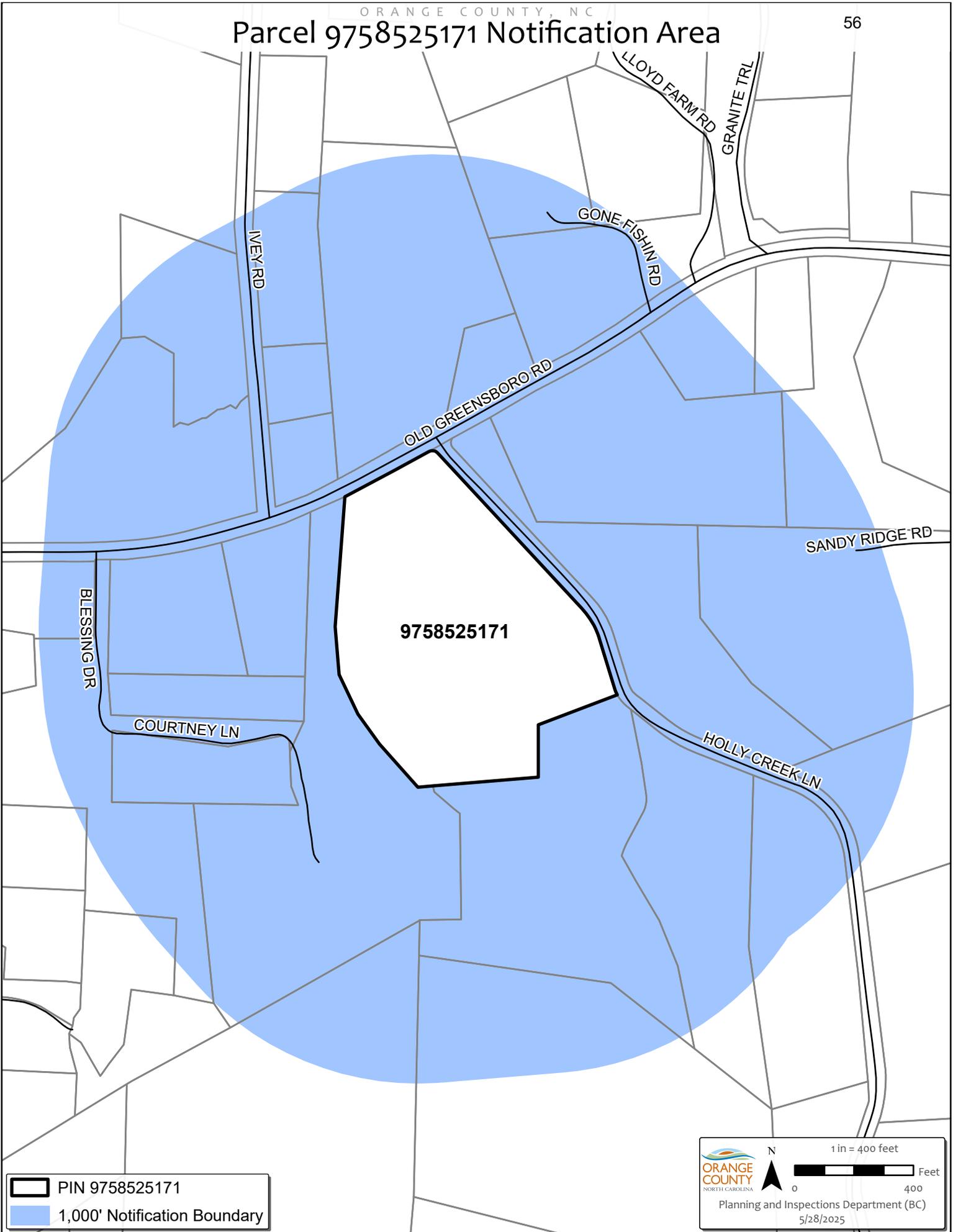


Patrick Mallett
Deputy Director, Development Services
Orange County Planning and Inspections Department

Si desea servicios de traducción para esta carta y otros documentos relacionados con el caso/asunto; y/o servicios de interpretación de idiomas en una reunión relacionada con este caso/asunto, comuníquese con Current Planning Division al correo electrónico: planningapps@orangecountync.gov o llame al 919-245-2575. Por favor, espere al menos 10 días para que nuestro personal organice estos servicios.

CC: Energov; Case File

Parcel 9758525171 Notification Area



 PIN 9758525171
 1,000' Notification Boundary




 1 in = 400 feet
 Planning and Inspections Department (BC)
 5/28/2025

OWNER1_LAST	OWNER1_FIRST	OWNER2_LAST	OWNER2_FIRST	ADDRESS1	ADDRESS2	CITY	STATE	ZIPCODE
MELLOTT	CALVIN A JR			P O BOX 313		CARRBORO	NC	27510
IVEY TRUST				1900 CARL DURHAM RD		CHAPEL HILL	NC	27516
CLARK	DOUGLAS P JR	CLARK	SCHANA D	2707 DOUGLAS CLARK LN		CHAPEL HILL	NC	27516
BURTON	DEBBIE A			1605 FERGUSON RD		CHAPEL HILL	NC	27514
GOINS	LISA ET AL	ALSTON	NORMA	2626 OLD GREENSBORO RD		CHAPEL HILL	NC	27516
GOINS	SHAWN W SR	GOINS	LISA A	2626 OLD GREENSBORO HWY		CHAPEL HILL	NC	27516
ALSTON	VANESSA			2618 OLD GREENSBORO RD		CHAPEL HILL	NC	27516
ATWATER	CYNTHIA A			4528 MINERAL SPRINGS RD		GRAHAM	NC	27253
LAWTON	THOMAS S			2616 OLD GREENSBORO RD		CHAPEL HILL	NC	275169025
JACOBSON	CHARLES	JACOBSON	ALLISON R	1800 IVEY RD		CHAPEL HILL	NC	27516
DENT	BRADLEY N			2600 OLD GREENSBORO RD		CHAPEL HILL	NC	27516
FUCHS	JEFFREY W TRUSTEE	FUCHS	KAREN R TRUSTEE	1816 IVEY RD		CHAPEL HILL	NC	27516
BACHMANN	EDWARD B			2620 OLD GREENSBORO RD		CHAPEL HILL	NC	27516
LLOYD	CARL BRADY	LLOYD	LAURA E	1600 HOLLY CREEK LN		CHAPEL HILL	NC	275165530
SEXTON	ERIN	SEXTON	KARL	2429 OLD GREENSBORO RD		CHAPEL HILL	NC	27516
MILLER	JENKINS ROBERT			107 FARM HOUSE DR		CHAPEL HILL	NC	27516
PATIL	VISHWANATH A	CARDOZA	VINITHA J	1001 ELLENBURG CT		MORRISVILLE	NC	27560
NEWMAN	MICHAEL TRUSTEE	NEWMAN	SHAUNA HEFFERNAN TRUSTEE	2324 OLD GREENSBORO RD		CHAPEL HILL	NC	27516
HEARON	CHARLES OSCAR			1915 IVEY RD		CHAPEL HILL	NC	275160508
SLYDEL	CHRISTOPHER J	TODLOSKI	DENISE B	2007 IVEY ROAD		CHAPEL HILL	NC	27516
VAS	LEON	METCALF	LEAH	2415 OLD GREENSBORO RD		CHAPEL HILL	NC	27516
DEVINE	VIRGINIA ANN	JURGENSEN	DENNIS DUANE	2401 OLD GREENSBORO RD		CHAPEL HILL	NC	27516
LLOYD	JOEL M	LLOYD	SHERRY B	1918 GONE FISHIN RD		CHAPEL HILL	NC	275160511
REMINGTON RUN LLC				103 UNWIN PL		CHAPEL HILL	NC	27516
STATEN	STEPHEN FRANCIS	STATEN	PATRICIA JEAN	1310 HOLLY CREEK LN		CHAPEL HILL	NC	27516
LLOYD	CARL BRADY ETAL	LLOYD	LAURA E	1600 HOLLY CREEK LN		CHAPEL HILL	NC	27514
KINSLEY	MARK	STATEN	TAMERA	1310 HOLLY CREEK LN		CHAPEL HILL	NC	275165530
PATIL	VISHWANATH A	CARDOZA	VINITHA J	1001 ELLENBURG CT		MORRISVILLE	NC	27560
SMOLLEN	CHRISTOPHER FRANCIS	SMOLLEN	LESLIE O	719 SANDY RIDGE RD		CHAPEL HILL	NC	27516
LLOYD	BRADLEY M			2918 CARL DURHAM RD		CHAPEL HILL	NC	27516
PFEFFER	KRISTA LLOYD			1919 GONE FISHING RD		CHAPEL HILL	NC	27516
LLOYD	TODD W			2216 OLD GREENSBORO RD		Chapel Hill	NC	27516
MCFARLAND	JANET S			2210 OLD GREENSBORO HWY		CHAPEL HILL	NC	27516
ORTIZ	RAUL	GONZALEZ	SONIA	1421 HOLLY CREEK LN		CHAPEL HILL	NC	27516
POELLOT	SHAWN M	POELLOT	REBECCA S	2200 OLD GREENSBORO RD		Chapel Hill	NC	27516

**STANDARDS EXAMINED AND EVIDENCE
PERTAINING TO A REQUEST SUBMITTED BY
VISHWANATH PATIL AND VINITHA CARDOZA PROPOSING MAJOR MODIFICATIONS TO
THE APPROVED SITE PLAN AND CONDITIONS FOR AN EXISTING RECREATIONAL
FACILITY CALLED "HOLLY CREEK LANE CRICKET FIELDS" LOCATED ON A PARCEL
OFF OF OLD GREENSBORO ROAD AND HOLLY CREEK LANE**

SUP25-0002

(ORANGE COUNTY PIN 9758-52-5171)

As required under Section 2.7.14 *Modifications to Approved Plans* of the Orange County Unified Development Ordinance (UDO), an amended site plan and written narrative is required for a major modification to an approved Special Use Permit. Such modifications shall comply with general and specific standards as set forth in Section(s) 5.3.2 and any use specific standards of the UDO.

Section 5.3.2(A)(2) of the UDO requires written findings certifying compliance with the following:

- (1) The use will maintain or promote the public health, safety and general welfare, if located where proposed and developed and operated according to the plan as submitted;
- (2) The use will maintain or enhance the value of contiguous property (unless the use is a public necessity, in which case the use need not maintain or enhance the value of contiguous property); and
- (3) The location and character of the use, if developed according to the plan submitted, will be in harmony with the area in which it is to be located and the use is in compliance with the plan for the physical development of the County as embodied in these regulations or in the Comprehensive Plan, or portion thereof, adopted by the Board of County Commissioners.

In addition, the Board shall make findings certifying that the application is compliant with the following specific standards:

- (1) Specific standards for the submission of major modification to an approved Special Use Permit as outlined within Section(s) 2.2 and 2.7.14 of the UDO.
- (2) Section 5.3.2(B) relating to the method and adequacy of the provision of:
 - a. Sewage disposal facilities, solid waste, and water;
 - b. Police, fire, and rescue squad protection;
 - c. Vehicular access to the site and traffic conditions around the site;
 - d. Other use specific standards as set forth within the UDO.
- (3) The general findings outlined within Section 5.3.2(A) (2).

Listed below are the findings of the Orange Planning staff regarding the application in question. The findings have been presented by Article and requirement to assist the Board of Adjustment in its deliberations.

Attachment 4

REQUIREMENT	UDO	SUPPORTING EVIDENCE	FOF Per Att 5
Submittal Requirements for all SUP Applications			
Proper forms	2.2	Staff Testimony Application (Attachment 2)	1
Fees paid	2.2.4(D)	Application (Attachment 2) [Fees paid at time of submittal. Copy of check provided.]	1
Submittal Requirements <ul style="list-style-type: none"> An amended site plan 	2.7.14(E)(1)	Application (Attachment 2) Site Plan (Attachment 6) See also current Site Plan and other materials with Approved SUP Case (A-4-20)	3, 4
<ul style="list-style-type: none"> Written narrative outlining the specific changes requested 	2.7.14(E)(1)	Application (Attachment 2) Site Plan (Attachment 6) See also current Site Plan and other materials with Approved SUP Case (A-4-20)	1
REQUIREMENT	UDO	SUPPORTING EVIDENCE	FOF
Notification Requirements for all Evidentiary Hearings			
Mailed Notice all adjacent property owners (at least 10 days but no more than 25 days prior)	2.7.6(A)(2)	BOA Hearing Notices mailed by staff on May 28, 2025, 14 days prior to the hearing. Certification available in Attachment 3.	7
Sign Posting on Property (at least 10 days but no more than 25 days prior)	2.7.6(A)(2)	BOA signs posted by staff on May 28, 2025, 14 days prior to the hearing.	7

Attachment 4

REQUIREMENT	UDO	SUPPORTING EVIDENCE	FOF
Waste, Safety and Access Requirements for all SUPs			
Waste Disposal Method and adequacy of provision for sewage disposal facilities, solid waste and water service.	5.3.2(B)(1)	Application and Narrative of Proposed Modifications (Attachment 2) See also Approved SUP case materials (A-4-20)	8
Safety Method and adequacy of police, fire and rescue squad protection.	5.3.2(B)(2)	Site Plan (Attachment 6) and other materials with Approved SUP See also Approved SUP case materials (A-4-20)	9
Vehicle Access Method and adequacy of vehicle access to the site and traffic conditions around the site.	5.3.2(B)(3)	Site Plan (Attachment 6) and other materials with Approved SUP See also Approved SUP case materials (A-4-20)	10
REQUIREMENT	UDO	SUPPORTING EVIDENCE	FOF
General Welfare, Value & Harmony Standards			
The use (will / will not) maintain or enhance the value of contiguous property (unless the use is a public necessity, in which case the use need not maintain or enhance the value of contiguous property).	Section 5.3.2 (A)(2)(b)	Application package (Attachment 2); The proposed modification requests no change to the established land use. Evidence submitted by applicant	12

<p>The location and character of the use, if developed according to the plan submitted, (will / will not) be in harmony with the area in which it is to be located and the use is in compliance with the plan for the physical development of the County as embodied in these regulations or in the Comprehensive Plan, or portion thereof, adopted by the Board of County Commissioners.</p>	<p>Section 5.3.2 (A)(2)(c)</p>	<p>Application package as contained in Attachment 2 inclusive including, but not limited to:</p> <ul style="list-style-type: none"> • Narrative detailing proposed modification; • Amended Site Plan (Attachment 6); <p>Testimony from applicant</p>	<p>13, 14</p>
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Attachment 5

**FINDINGS OF THE ORANGE COUNTY BOARD OF ADJUSTMENT
PERTAINING TO A REQUEST SUBMITTED BY
VISHWANATH PATIL AND VINITHA CARDOZA
PROPOSING MAJOR MODIFICATIONS TO THE APPROVED SITE PLAN AND CONDITIONS FOR
AN EXISTING RECREATIONAL FACILITY CALLED "HOLLY CREEK LANE CRICKET FIELDS"
LOCATED ON A PARCEL OFF OF OLD GREENSBORO ROAD AND HOLLY CREEK LANE
SUP25-0002
(ORANGE COUNTY PIN 9758-52-5171)**

As required under Section 5.2 *Table of Permitted Uses* of the Orange County Unified Development Ordinance (UDO), a Special Use Permit is required for the development/operation of a Recreation Facility (Land Use #38), in accordance with the provisions of Section 2.7 of the UDO. Such permits shall comply with general and specific standards as set forth in Section(s) 5.3.2 and 5.7.2 of the UDO.

Section 5.3.2 (A) (2) of the UDO requires written findings certifying compliance with the following:

- (1) The use will maintain or promote the public health, safety and general welfare, if located where proposed and developed and operated according to the plan as submitted;
- (2) The use will maintain or enhance the value of contiguous property (unless the use is a public necessity, in which case the use need not maintain or enhance the value of contiguous property); and
- (3) The location and character of the use, if developed according to the plan submitted, will be in harmony with the area in which it is to be located and the use is in compliance with the plan for the physical development of the County as embodied in these regulations or in the Comprehensive Plan, or portion thereof, adopted by the Board of County Commissioners.

In addition, the Board shall make findings certifying that the application is compliant with the following specific standards:

- (1) Specific standards for the submission of Special Use Permit applications as outlined within Section(s) 2.2 and 2.7 of the UDO.
- (2) Specific regulations governing the development of a Recreation Facility as set forth in Section 5.7.2 of the UDO.
- (3) Section 5.3.2 (B) relating to the method and adequacy of the provision of:
 - a. Sewage disposal facilities,
 - b. The adequacy of police, fire, and rescue squad protection, and
 - c. The adequacy of vehicular access to the site and traffic conditions around the site.
- (4) The general findings outlined within Section 5.3.2 (A) (2).

Listed below are the findings of the Orange Planning staff regarding the application in question. The findings have been presented by Article and requirement to assist the Board of Adjustment in its deliberations.

APPLICATION COMPONENTS			
REQUIREMENT	UDO	SUPPORTING EVIDENCE	BOA FoF
Proper forms	2.2	New application (Attachment 2) and original application materials. Site Plan (Attachment 6)	
Fees paid	2.2.4(D)	Paid on-line via CSS portal	
Full description of use <ul style="list-style-type: none"> • Location • Appearance • Operational characteristics 	2.7.3(B)(1)	New application (Attachment 2) and original application materials. Site Plan (Attachment 6)	
Owner Information	2.7.3(B)(2)	New application (Attachment 2) and original application materials. Site Plan (Attachment 6)	
Information needed for Use Standards	2.7.3(B)(3)	New application (Attachment 2) and original application materials. Site Plan (Attachment 6)	
Site Plans	2.7.3(B)(4)	Approved Site Plan and Revised Site Plan Submitted (Attachment 6)	
Preliminary Subdivision Plat (if necessary)	2.7.3(B)(5)	N/A (No subdivision proposed)	N/A
List of parcels within 1,000 feet	2.7.3(B)(6)	Application (Attachments 2 and 3)	
Elevations of all structures	2.7.3(B)(7)	Site Plan	
Environmental Assessment (or EIS) <ul style="list-style-type: none"> • Topography • Drainage issues • Natural or Cultural resources • Mining • Hazardous Wastes • Wastewater treatment • Water usage 	2.7.3(B)(8)	EIS Not Required (original Application for EA)	
Method of Debris Disposal	2.7.3(B)(9)	No new construction requiring debris disposal	
Development Schedule	2.7.3(B)(10)	No new development	N/A
Extended Vesting Request	2.7.3(B)(11)	Not requested	N/A

Notification Requirements			
REQUIREMENT	UDO	SUPPORTING EVIDENCE	BOA FoF
Public Notice <ul style="list-style-type: none"> • Date • Time • Place 	2.7.6	Signs Posted and Notifications mailed (Attachment 3)	
Sign Posting on Property and mailed notice	2.7.6	Signs Posted and Notifications mailed (Attachment 3)	
Specific Standards			
REQUIREMENT	UDO	SUPPORTING EVIDENCE	BOA FoF
Waste Disposal Method and adequacy of provision for sewage disposal facilities, solid waste and water service.	5.3.2(B)(1)	Original and new application materials with proposed new toilet facilities Site Plan	
Safety Method and adequacy of police, fire and rescue squad protection.	5.3.2(B)(2)	Original application	
Vehicle Access Method and adequacy of vehicle access to the site and traffic conditions around the site.	5.3.2(B)(3)	No changes from original application and Site Plan	
Standards for Recreation Facilities			
Site Plan A site plan prepared in accordance with Section 2.5 and Standards for Recreation Facilities.	2.5; and 5.7.2(A)(1-6)	Application (Attachment 2) Site Plan (Attachment 6)	
Standards of Evaluation A description of the type of facility, the size, capacity, use of proposed buildings, septic systems and recreation areas.	5.7.2(A) (1-6)	Original application and revised application (Attachment 2) Site Plan (Attachment 6)	

Special Use General Standards			
In accordance with Section 5.3.2 (A) (2), the Board of Adjustment shall also consider the following general conditions before the application for a Special Use can be approved.			
REQUIREMENT	UDO	SUPPORTING EVIDENCE	BOA FoF
The use (will / will not) maintain, or promote the public health, safety and general welfare, if located where proposed and developed and operated according to the plan as submitted.	Section 5.3.2(A) (2) (a)	Current SUP materials (application, supporting evidence, testimony and site plan) Revised Site Plan (Attachment 6) and Proposed Conditions	
The use (will / will not) maintain or enhance the value of contiguous property (unless the use is a public necessity, in which case the use need not maintain or enhance the value of contiguous property).	Section 5.3.2(A) (2) (b)	Current SUP materials (application, supporting evidence, testimony and site plan) Revised Site Plan (attachment 6) and Proposed Conditions	
The location and character of the use, if developed according to the plan submitted, (will / will not) be in harmony with the area in which it is to be located and the use is in compliance with the plan for the physical development of the County as embodied in these regulations or in the Comprehensive Plan, or portion thereof, adopted by the Board of County Commissioners.	Section 5.3.2 (A) (2) (c)	Current SUP materials (application, supporting evidence, testimony and site plan) Revised Site Plan (Attachment 6) and Proposed Conditions	

STAFF CONCLUSIONS

Staff has reviewed the application, the site plan, and all supporting documentation and has found that the applicant **complies** with the application requirements, notice requirements, specific standards of evaluation for Recreational Facilities, and required regulations as outlined within the UDO.

Staff has not received any evidence indicating the project does not comply with the UDO, including the provisions of Section 5.3.2(A)(2), establishing the grounds for making a negative finding on the general standards as detailed herein. These standards include maintaining or promoting the public health, safety, and general welfare; maintaining or enhancing the value of contiguous property; determining if the use is in harmony with the area in which it is to be located; and determining if the use is in compliance with the general plan for the physical development of the County.

The Board could make an affirmative finding on this application provided the Board of Adjustment finds satisfaction with the specific standards of evaluation and general standards as detailed herein, and no evidence is entered into the record demonstrating the applicant has either:

- a. Failed to meet their burden of proof that the project complies with the specific development standards for a telecommunication facility, or
- b. Failed to comply with the general standards detailed within Section 5.3.2 (A) (2) of the UDO.

In the event that the Board makes an affirmative finding, and issues the permit, staff recommends the attachment of the following revised conditions:

SPECIAL TERMS AND CONDITIONS

The conditions of approval are as follows:

1. Consistent with the submitted Special Use Permit application, and for public safety purposes as required in UDO Section 5.3.2(B)(2), proposed outdoor athletic fields shall only be used to support the playing of cricket matches and practices. No other recreational activities are proposed for the property;
2. For public safety purposes as required in UDO Section 5.3.2 (B)(2), a street address sign be assigned by Orange County Land Records, consistent with the County Addressing Ordinance, prior to the commencement of recreational activities;
3. Consistent with the submitted Special Use Permit application, applicant testimony, and for public safety purposes as required in UDO Section 5.3.2 (B)(2), cricket play shall only:
 - a. Occur from the months of April through November,
 - b. Be played during weekends and long weekends (Saturday and/or Sunday) with practices being limited to four days a week for no more than 4 hours during daylight hours, and
 - c. Permission to conduct wash-out games (make-up games) during weekdays but limited to some weekdays (not every week).
4. Consistent with the submitted Special Use Permit application, and for public safety purposes as required in UDO Section 5.3.2 (B) (2), matches are for social/recreational purposes only. Use of the recreation facility will not be part of a professional league associated with earning prize money or other form of monetary gain for participants;
5. There shall be no use of Holly Creek Lane to support activities on the property (i.e. field access, parking, or staging of vehicles with the exception of public safety vehicles responding to an emergency);

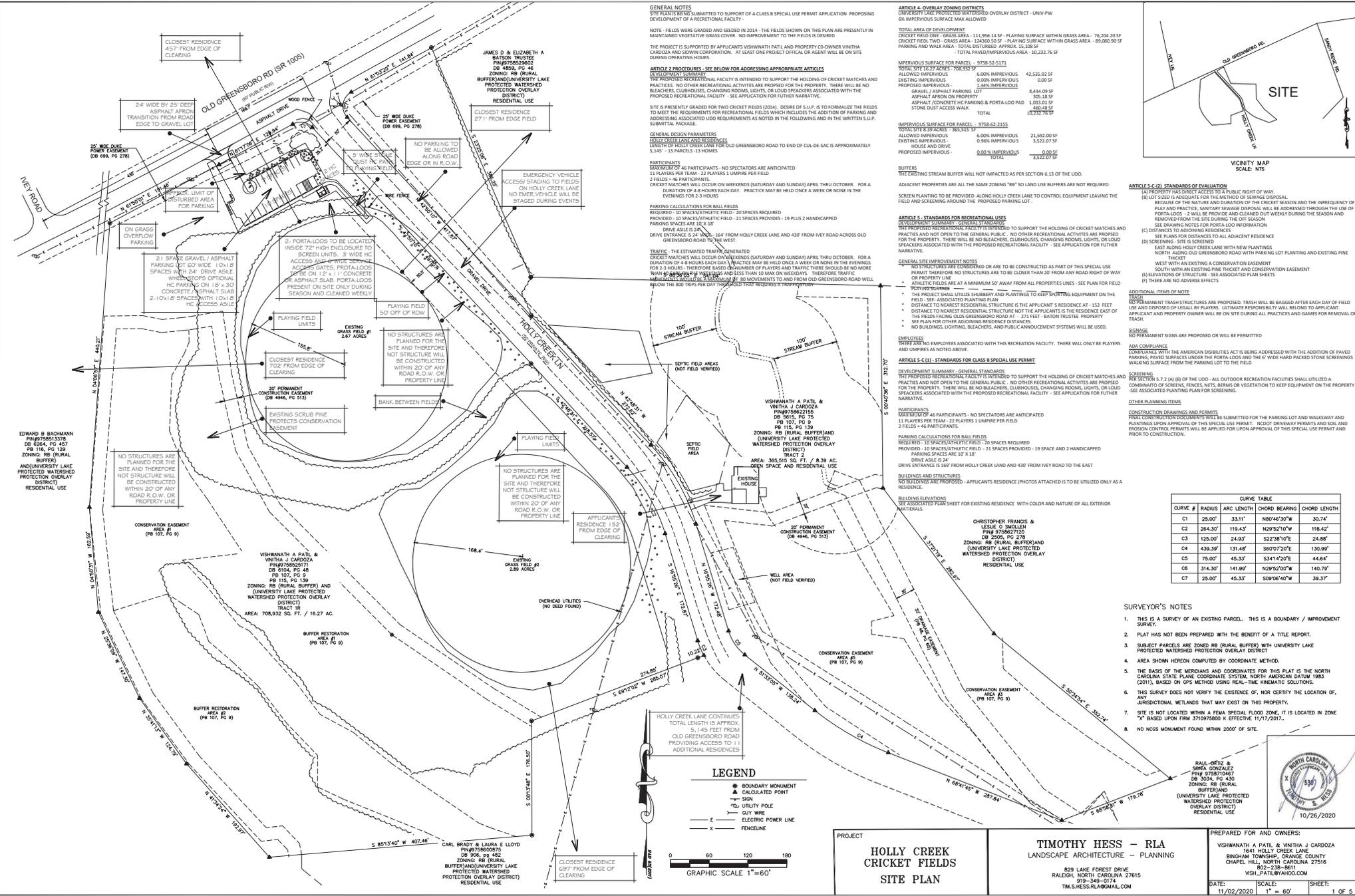
6. In accordance with UDO Section 5.7.2 *Recreational Facilities*, Section 6.8. *Landscaping, Buffers, & Tree Protection*, and the submitted site plan, a 30 ft. land use buffer shall be preserved around the perimeter of the recreational facility to screen it from adjacent parcels;
7. The recreational facility shall not use outdoor lighting. If the applicants wish to install lighting, they shall submit a request for modification of the approved Special Use Permit pursuant to UDO Sections 2.7.15 (10) and 2.7.15 (E) *Changes to Approved Plans*;
8. No amplified sound shall be permitted on-site;
9. The recreational facility may use portable toilets, which shall be:
 - a. Serviced after every event within 72-hours,
 - b. Screened with a wall consistent with approved site plan, and
 - c. Removed from the site at the conclusion of the cricket season, no later than the end of November every calendar year.

Permanent toilet facilities may be used as indicated on the Site Plan and permitted by Environmental Health.

10. Solid waste shall be contained in garbage and recycling receptacles on-site and shall be emptied by participants and the conclusion of each event or practice;
11. Applicant shall secure a driveway permit from the NC Department of Transportation prior to the commencement of land disturbing activities for the driveway off of Old Greensboro Road;
12. Development shall abide by the general standards of the UDO as detailed in Article 6 and the specific standards contained in Section 5.7.2;
13. Consistent with applicant testimony from the December 14, 2020, and January 11, 2021 Board of Adjustment public hearing(s), and the updated site plan/screening exhibit, no more than 46 cars shall be on-site at any time during a cricket match or practice. Further, all parking areas shall be screened (improved and overflow) consistent with the provisions of Section 6.8.7 of the UDO;
14. In accordance with UDO Sections 5.2 Table of Permitted Uses and 5.7.2 Recreational Facilities, activities allowed to occur on the property shall be in accordance with the submitted application package, site plan, and narrative as reviewed by the Orange County Board of Adjustment on January 25, 2021.

Furthermore, the site plan shall be updated and included as part of the site plan submittal for development permits;

15. The applicants shall obtain all applicable development permits from the County consistent with the approved SUP, including but not limited to: Erosion Control; Stormwater; and Zoning Compliance;
16. In accordance with UDO Section 2.7.12(C) Conditions of Approval, if any condition of this Special Use Permit is held invalid or void, then this Special Use Permit shall be void in its entirety and of no effect;
17. In accordance with UDO Section 2.7.12(D) Conditions of Approval, the Special Use Permit shall expire automatically within 12 months of the date of approval if the use has not commenced or construction has not commenced or proceeded unless a timely application for extension of this time limit is approved by the Board of Adjustment.



GENERAL NOTES
 SITE PLAN REVIEWED AND SUBMITTED TO SUPPORT OF A CLASS B SPECIAL USE PERMIT APPLICATION PROPOSING DEVELOPMENT OF A RECREATIONAL FACILITY.

NOTE: FIELDS WERE GRADED AND SEEDS IN 2014. THE FIELDS SHOWN ON THIS PLAN ARE PRESENTLY MAINTAINED VEGETATE GRASS COVER. NO IMPROVEMENT TO THE FIELDS IS DESIRED.

THE PROJECT IS SUPPORTED BY APPLICANT'S VISHWANATH PATIL AND PROPERTY CO-OWNER WITHIN CARDOZA AND SIDOWN CORPORATION. AT LEAST ONE PROJECT OFFICIAL OR AGENT WILL BE ON SITE DURING OPERATING HOURS.

ARTICLE 4 PROCEDURES - SEE BELOW FOR ADDRESSING APPROPRIATE ARTICLES

THE PROPOSED RECREATIONAL FACILITY IS INTENDED TO SUPPORT THE HOLDING OF CRICKET MATCHES AND PRACTICES. NO OTHER RECREATIONAL ACTIVITIES ARE PROPOSED FOR THE PROPERTY. THERE WILL BE NO BEACHERS, CLUBHOUSES, CHANGING ROOMS, LIGHTS, OR LOUD SPEAKERS ASSOCIATED WITH THE PROPOSED RECREATIONAL FACILITY. SEE APPLICATION FOR FURTHER NARRATIVE.

THE SITE IS PRESENTLY GRADED FOR TWO CRICKET FIELDS (2014). DESIRE OF S.U.P. IS TO FORMALIZE THE FIELDS TO MEET THE REQUIREMENTS FOR RECREATIONAL FIELDS WHICH INCLUDES THE ADDITION OF PARKING AND ADDRESSING ASSOCIATED UDO REQUIREMENTS AS NOTED IN THE FOLLOWING AND IN THE WRITTEN S.U.P. SUBMITTAL PACKAGE.

GENERAL DESIGN PARAMETERS
 HOLLY CREEK LANE AND RESIDENCES
 LENGTH OF HOLLY CREEK LANE FROM OLD GREENSBORO ROAD TO END OF CUL-DE-SAC IS APPROXIMATELY 5.145' - 15 SPACES X 15 HOMES

PARTICIPANTS
 MAXIMUM OF 46 PARTICIPANTS. NO SPECTATORS ARE ANTICIPATED

CRICKET MATCHES
 CRICKET MATCHES WILL OCCUR ON WEDNESDAYS SATURDAY AND SUNDAY APRIL THRU OCTOBER. FOR A DURATION OF 4-8 HOURS EACH DAY. PRACTICE MAY BE HELD ONE OR MORE IN THE EVENINGS FOR 2-3 HOURS.

PARKING CALCULATIONS FOR BALL FIELDS
 REQUIRED: 10 SPACES/ATHLETIC FIELD - 21 SPACES REQUIRED
 PROVIDED: 10 SPACES/ATHLETIC FIELD - 21 SPACES PROVIDED - 19 PLUS 2 HANDICAPPED
 DRIVE ABLE 2.24
 DRIVE ENTRANCE IS 149' FROM HOLLY CREEK LANE AND 430' FROM IVEY ROAD ACROSS OLD GREENSBORO ROAD TO THE WEST.

TRAFFIC - THE ESTIMATED TRAFFIC GENERATED
 CRICKET MATCHES WILL OCCUR ON WEDNESDAYS SATURDAY AND SUNDAY APRIL THRU OCTOBER. FOR A DURATION OF 4-8 HOURS EACH DAY. PRACTICE MAY BE HELD ONE OR MORE IN THE EVENINGS FOR 2-3 HOURS. THEREFORE BASED ON NUMBER OF PLAYERS AND TRAFFIC THERE SHOULD BE NO MORE THAN 40 APPROXIMATELY 15-20 VEHICLES AND LESS THAN 10 MAX ON WEEKDAYS. THEREFORE TRAFFIC MAY BE 40 APPROXIMATELY 15-20 VEHICLES TO AND FROM OLD GREENSBORO ROAD WELL BELOW THE 800 TRIPS PER DAY THRESHOLD THAT REQUIRES A WEDDING.

ARTICLE 4 - OVERLAY ZONING DISTRICTS
 UNIVERSITY LAKE PROTECTED WATERSHED OVERLAY DISTRICT - UNIV-PW
 6% IMPERVIOUS SURFACE MAX ALLOWED

TOTAL AREA OF DEVELOPMENT

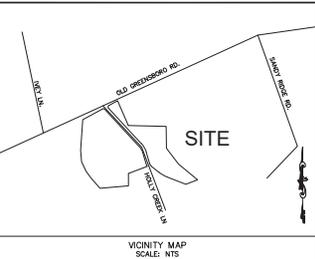
CRICKET FIELD TWO - GRASS AREA	111,556.54 SF	PLAYING SURFACE WITHIN GRASS AREA	76,304.39 SF
CRICKET FIELD TWO - GRASS AREA	124,860.59 SF	PLAYING SURFACE WITHIN GRASS AREA	89,080.59 SF
TOTAL DISTURBED APPROX.		15,308.58 SF	
TOTAL PAVED/IMPERVIOUS AREA		10,232.76 SF	

IMPERVIOUS SURFACE FOR PARCEL - 9758-62-5171

TOTAL SITE 16.27 ACRES - 708,823 SF	42,535.92 SF
6.00% IMPERVIOUS	0.00 SF
EXISTING IMPERVIOUS	0.00 SF
PROPOSED IMPERVIOUS	0.00 SF
GRAVEL / ASPHALT PARKING LOT	8,134.09 SF
ASPHALT / CONCRETE HC PARKING & PORTA LOA PAD	1,031.01 SF
STONE DIRT ACCESS WALK	460.48 SF
TOTAL	10,232.76 SF

IMPERVIOUS SURFACE FOR PARCEL - 9758-62-3155

ALLOWED IMPERVIOUS	6.00% IMPERVIOUS	21,692.00 SF
EXISTING IMPERVIOUS	0.00% IMPERVIOUS	3,332.07 SF
HOUSE AND DRIVE	0.00% IMPERVIOUS	0.00 SF
PROPOSED IMPERVIOUS	0.00% IMPERVIOUS	0.00 SF
TOTAL		3,332.07 SF



ARTICLE 5 - STANDARDS FOR RECREATIONAL USES
 CRICKET FIELDS - GENERAL STANDARDS
 THE PROPOSED RECREATIONAL FACILITY INTENDS TO SUPPORT THE HOLDING OF CRICKET MATCHES AND PRACTICES AND NOT OPEN TO THE GENERAL PUBLIC. NO OTHER RECREATIONAL ACTIVITIES ARE PROPOSED FOR THE PROPERTY. THERE WILL BE NO BEACHERS, CLUBHOUSES, CHANGING ROOMS, LIGHTS, OR LOUD SPEAKERS ASSOCIATED WITH THE PROPOSED RECREATIONAL FACILITY. SEE APPLICATION FOR FURTHER NARRATIVE.

GENERAL SITE IMPROVEMENT NOTES
 NO STRUCTURES ARE CONSIDERED OR ARE TO BE CONSTRUCTED AS PART OF THIS SPECIAL USE PERMIT THEREFORE NO STRUCTURES ARE TO BE CLOSER THAN 20' FROM ANY ROAD RIGHT OF WAY OR PROPERTY LINE.
 ATHLETIC FIELDS ARE AT A MINIMUM 50' AWAY FROM ALL PORTIES LINES - SEE PLAN FOR FIELD PLACEMENT.
 THE PROJECT SHALL UTILIZE SUBSERRY AND PLANTINGS TO KEEP SPORTING EQUIPMENT ON THE FIELD. SEE ASSOCIATED PLANTING PLAN.
 DISTANCE TO NEAREST RESIDENTIAL STRUCTURE IS THE APPLICANT'S RESIDENCE AT 152 FEET.
 DISTANCE TO NEAREST RESIDENTIAL STRUCTURE NOT THE APPLICANT'S IS THE RESIDENCE EAST OF THE FIELDS FACING OLD GREENSBORO ROAD AT 271 FEET - BARTON TRUSTEE PROPERTY.
 SEE PLAN FOR OTHER ADJOINING DISTANCES.
 NO BUILDINGS, LIGHTING, BEACHERS, AND PUBLIC ANNOUNCEMENT SYSTEMS WILL BE USED.

EMPLOYEES
 THERE ARE NO EMPLOYEES ASSOCIATED WITH THIS RECREATION FACILITY. THERE WILL ONLY BE PLAYERS AND UMPIRES AS NOTED ABOVE.

ARTICLE 5 C (1) - STANDARDS FOR CLASS B SPECIAL USE PERMIT
 DEVELOPMENT SUMMARY - GENERAL STANDARDS
 THE PROPOSED RECREATIONAL FACILITY INTENDS TO SUPPORT THE HOLDING OF CRICKET MATCHES AND PRACTICES AND NOT OPEN TO THE GENERAL PUBLIC. NO OTHER RECREATIONAL ACTIVITIES ARE PROPOSED FOR THE PROPERTY. THERE WILL BE NO BEACHERS, CLUBHOUSES, CHANGING ROOMS, LIGHTS, OR LOUD SPEAKERS ASSOCIATED WITH THE PROPOSED RECREATIONAL FACILITY. SEE APPLICATION FOR FURTHER NARRATIVE.

PARTICIPANTS
 MAXIMUM OF 46 PARTICIPANTS. NO SPECTATORS ARE ANTICIPATED

CRICKET MATCHES
 CRICKET MATCHES WILL OCCUR ON WEDNESDAYS SATURDAY AND SUNDAY APRIL THRU OCTOBER. FOR A DURATION OF 4-8 HOURS EACH DAY. PRACTICE MAY BE HELD ONE OR MORE IN THE EVENINGS FOR 2-3 HOURS.

PARKING CALCULATIONS FOR BALL FIELDS
 REQUIRED: 10 SPACES/ATHLETIC FIELD - 21 SPACES REQUIRED
 PROVIDED: 10 SPACES/ATHLETIC FIELD - 21 SPACES PROVIDED - 19 SPACE AND 2 HANDICAPPED
 PARKING SPACES ARE 10 X 18
 DRIVE ABLE 2.18
 DRIVE ENTRANCE IS 169' FROM HOLLY CREEK LANE AND 430' FROM IVEY ROAD TO THE EAST

BUILDINGS AND STRUCTURES
 NO BUILDINGS ARE PROPOSED - APPLICANT'S RESIDENCE (PHOTOS ATTACHED IS) TO BE UTILIZED ONLY AS A RESIDENCE.

BUILDING ELEVATIONS
 SEE ASSOCIATED PLAN SHEET FOR EXISTING RESIDENCE WITH COLOR AND NATURE OF ALL EXTERIOR MATERIAL.

ADDITIONAL ITEMS OF NOTE

- NO PERMANENT TRASH STRUCTURES ARE PROPOSED. TRASH WILL BE BAGGED AFTER EACH DAY OF FIELD USE AND DISPOSED OF LEGAL BY PLAYERS. ULTIMATE RESPONSIBILITY WILL BELONG TO APPLICANT. APPLICANT AND PROPERTY OWNER WILL BE ON SITE DURING ALL PRACTICES AND GAMES FOR REMOVAL OF TRASH.
- NO PERMANENT SIGNS ARE PROPOSED OR WILL BE PERMITTED
- CONFORMANCE WITH THE AMERICAN DISABILITY ACT IS BEING ADDRESSED WITH THE ADDITION OF PAVED PARKING. PAVED SURFACES UNDER THE PORTA-LOOS AND THE 6' WIDE HARD PAVED STONE SCREENING WALKING SURFACE FROM THE PARKING LOT TO THE FIELD
- SCREENING PER SECTION 5.7.2 (A) (6) OF THE UDO: ALL OUTDOOR RECREATION FACILITIES SHALL UTILIZE A COMBINATION OF SCREENS, FENCES, WELLS, BARRS OR VEGETATION TO KEEP EQUIPMENT ON THE PROPERTY. SEE ASSOCIATED PLANTING PLAN FOR APPROVAL.

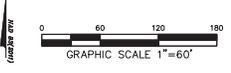
OTHER PLANNING ITEMS
 CONSTRUCTION DRAWINGS AND PERMITS
 FINAL CONSTRUCTION DOCUMENTS WILL BE SUBMITTED FOR THE PARKING LOT AND WALKWAY AND PLANTINGS UPON APPROVAL OF THIS SPECIAL USE PERMIT. NCDOT DRAINAGE PERMITS AND SOIL AND EROSION CONTROL PERMITS WILL BE APPLIED FOR UPON APPROVAL OF THIS SPECIAL USE PERMIT AND PRIOR TO CONSTRUCTION.

CURVE TABLE

CURVE #	RADIUS	ARC LENGTH	CHORD BEARING	CHORD LENGTH
C1	25.00'	33.11'	N80°46'30"W	30.74'
C2	264.30'	119.43'	N29°52'10"W	116.42'
C3	125.00'	24.93'	S22°38'10"E	24.88'
C4	439.39'	131.48'	S60°07'20"E	130.99'
C5	75.00'	45.33'	S34°14'20"E	44.64'
O6	314.30'	141.99'	N29°52'00"W	140.79'
C7	25.00'	45.33'	S09°06'40"W	39.37'

SURVEYOR'S NOTES

- THIS IS A SURVEY OF AN EXISTING PARCEL. THIS IS A BOUNDARY / IMPROVEMENT SURVEY.
- PLAT HAS BEEN PREPARED WITH THE BENEFIT OF A TITLE REPORT.
- SUBJECT PARCELS ARE ZONED RB (RURAL BUFFER) WITH UNIVERSITY LAKE PROTECTED WATERSHED PROTECTION OVERLAY DISTRICT
- AREA SHOWN HEREON COMPUTED BY COORDINATE METHOD.
- THE BASIS OF THE MERRIDIAN AND COORDINATES FOR THIS PLAT IS THE NORTH CAROLINA STATE PLANE COORDINATE SYSTEM, NORTH AMERICAN DATUM 1983 (2011), BASED ON GPS METHOD USING REAL-TIME KINEMATIC SOLUTIONS.
- THIS SURVEY DOES NOT VERIFY THE EXISTENCE OF, NOR CERTIFY THE LOCATION OF, ANY JURISDICTIONAL METLANS THAT MAY EXIST ON THIS PROPERTY.
- THE SITE IS NOT LOCATED WITHIN A FEMA SPECIAL FLOOD ZONE. IT IS LOCATED IN ZONE "X" BASED UPON FIRM 3710978000 K EFFECTIVE 11/17/2017.
- NO COCS MONUMENT FOUND WITHIN 2800' OF SITE.



PROJECT
HOLLY CREEK CRICKET FIELDS
SITE PLAN

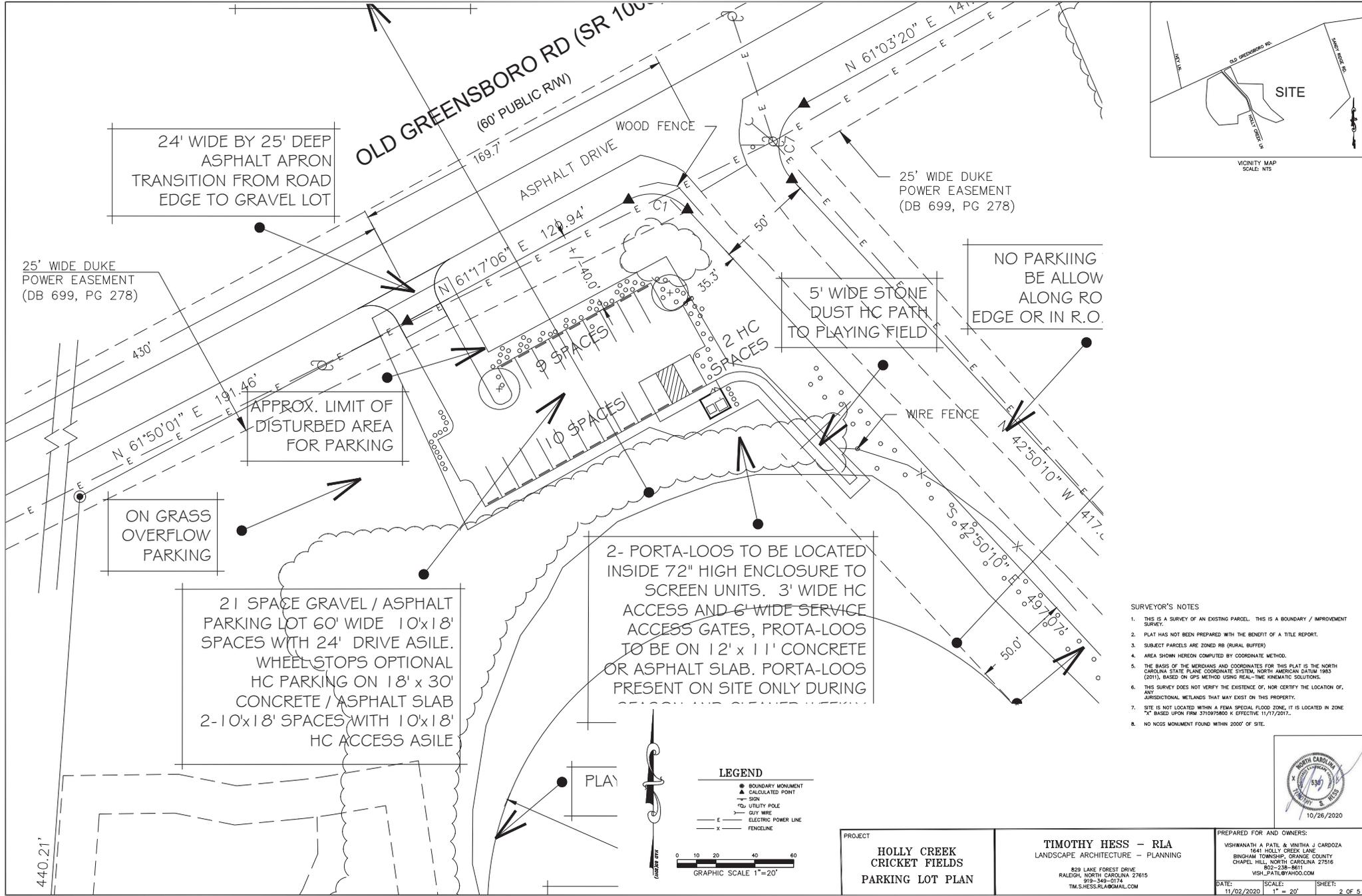
TIMOTHY HESS - RLA
 LANDSCAPE ARCHITECTURE - PLANNING

829 LAKE FOREST DRIVE
 RALEIGH, NORTH CAROLINA 27615
 919-348-0174
 TIM.HESS.RLA@GMAIL.COM

PREPARED FOR AND OWNERS:
 VISHWANATH A. PATIL & VINITHA J. CARDOZA
 1641 HOLLY CREEK LANE
 BINGHAM TOWNSHIP, ORANGE COUNTY
 CHAPEL HILL, NORTH CAROLINA 27516
 802-238-8611
 VISH_PATIL@YAHOO.COM

DATE: 11/02/2020 SCALE: 1" = 60' SHEET: 1 OF 5





24' WIDE BY 25' DEEP ASPHALT APRON TRANSITION FROM ROAD EDGE TO GRAVEL LOT

25' WIDE DUKE POWER EASEMENT (DB 699, PG 278)

25' WIDE DUKE POWER EASEMENT (DB 699, PG 278)

5' WIDE STONE DUST HC PATH TO PLAYING FIELD

NO PARKING BE ALLOW ALONG ROAD EDGE OR IN R.O.

APPROX. LIMIT OF DISTURBED AREA FOR PARKING

ON GRASS OVERFLOW PARKING

21 SPACE GRAVEL / ASPHALT PARKING LOT 60' WIDE 10x18' SPACES WITH 24' DRIVE ASILE. WHEEL STOPS OPTIONAL HC PARKING ON 18' x 30' CONCRETE / ASPHALT SLAB 2-10x18' SPACES WITH 10x18' HC ACCESS ASILE

2- PORTA-LOOS TO BE LOCATED INSIDE 72" HIGH ENCLOSURE TO SCREEN UNITS. 3' WIDE HC ACCESS AND 6" WIDE SERVICE ACCESS GATES, PORTA-LOOS TO BE ON 12' x 11' CONCRETE OR ASPHALT SLAB. PORTA-LOOS PRESENT ON SITE ONLY DURING

LEGEND

- BOUNDARY MONUMENT
- ▲ CALCULATED POINT
- SIGN
- UTILITY POLE
- GUY WIRE
- ELECTRIC POWER LINE
- - - FENCING



- SURVEYOR'S NOTES
1. THIS IS A SURVEY OF AN EXISTING PARCEL. THIS IS A BOUNDARY / IMPROVEMENT SURVEY.
 2. PLAT HAS NOT BEEN PREPARED WITH THE BENEFIT OF A TITLE REPORT.
 3. SUBJECT PARCELS ARE ZONED RB (RURAL BUFFER)
 4. AREA SHOWN HEREON COMPUTED BY COORDINATE METHOD.
 5. THE BASIS OF THE MERIDIANS AND COORDINATES FOR THIS PLAT IS THE NORTH CAROLINA STATE PLANE COORDINATE SYSTEM, NORTH AMERICAN DATUM 1983 (2011), BASED ON GPS METHOD USING REAL-TIME KINEMATIC SOLUTIONS.
 6. THIS SURVEY DOES NOT VERIFY THE EXISTENCE OF, NOR CERTIFY THE LOCATION OF, ANY JURISDICTIONAL WETLANDS THAT MAY EXIST ON THIS PROPERTY.
 7. SITE IS NOT LOCATED WITHIN A FEMA SPECIAL FLOOD ZONE. IT IS LOCATED IN ZONE "X" BASED UPON FIRM 37109/5800 K EFFECTIVE 11/17/2017.
 8. NO NCOS MONUMENT FOUND WITHIN 2000' OF SITE.

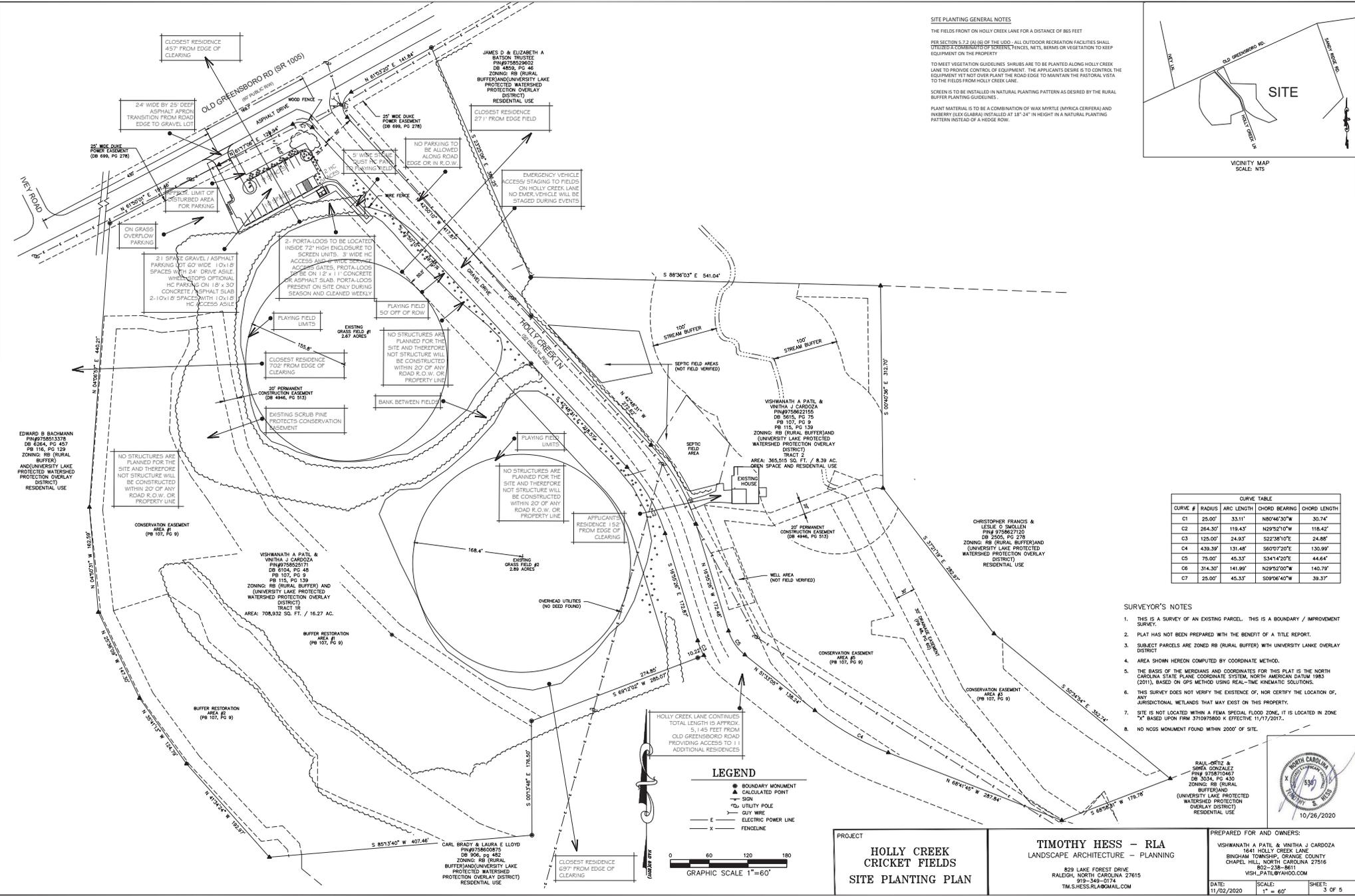


PROJECT
**HOLLY CREEK
 CRICKET FIELDS
 PARKING LOT PLAN**

TIMOTHY HESS - RLA
 LANDSCAPE ARCHITECTURE - PLANNING
 829 LAKE FOREST DRIVE
 RALEIGH, NORTH CAROLINA 27615
 919-348-0174
 T.M.H.ESS.RLA@GMAIL.COM

PREPARED FOR AND OWNERS:
 VISHWANATH A. PATIL & VINITHA J. CARDOZA
 1841 HOLLY GREEN LANE
 BINGHAM TOWNSHIP, ORANGE COUNTY
 CHAPEL HILL, NORTH CAROLINA 27516
 802-238-8611
 VISH_PATIL@YAHOO.COM

DATE: 11/02/2020 SCALE: 1" = 20' SHEET: 2 OF 5



SITE PLANTING GENERAL NOTES

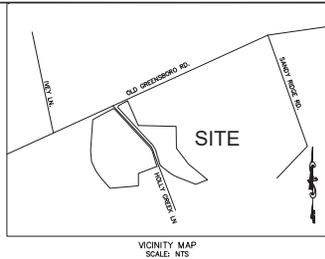
THE FIELDS FRONT ON HOLLY CREEK LANE FOR A DISTANCE OF 865 FEET

PER SECTION 5.7.2 (A) (6) OF THE UDC, ALL OUTDOOR RECREATION FACILITIES SHALL UTILIZE A COMBINATION OF SCREENS, FENCES, NETS, BERMS OR VEGETATION TO KEEP EQUIPMENT ON THE PROPERTY

TO MEET VEGETATION GUIDELINES, SHRUBS ARE TO BE PLANTED ALONG HOLLY CREEK LANE TO PROVIDE CONTROL OF EQUIPMENT. THE APPLICANTS DESIRE IS TO CONTROL THE EQUIPMENT YET NOT OVER PLANT THE ROAD EDGE TO MAINTAIN THE PASTORAL VISTA TO THE FIELDS FROM HOLLY CREEK LANE.

SCREENS IS TO BE INSTALLED IN NATURAL PLANTING PATTERN AS DESIRED BY THE RURAL BUFFER PLANTING GUIDELINES.

PLANT MATERIAL IS TO BE A COMBINATION OF WAX MYRTLE (MYRTA CERIFERA) AND HERRERY (ILEX GLABRA) INSTALLED AT 18"-24" IN HEIGHT IN A NATURAL PLANTING PATTERN INSTEAD OF A HEDGE ROW.

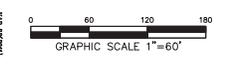


CURVE TABLE				
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C4	439.39'	131.48'	S60°07'20"E	130.99'
C5	75.00'	45.33'	S34°14'20"E	44.64'
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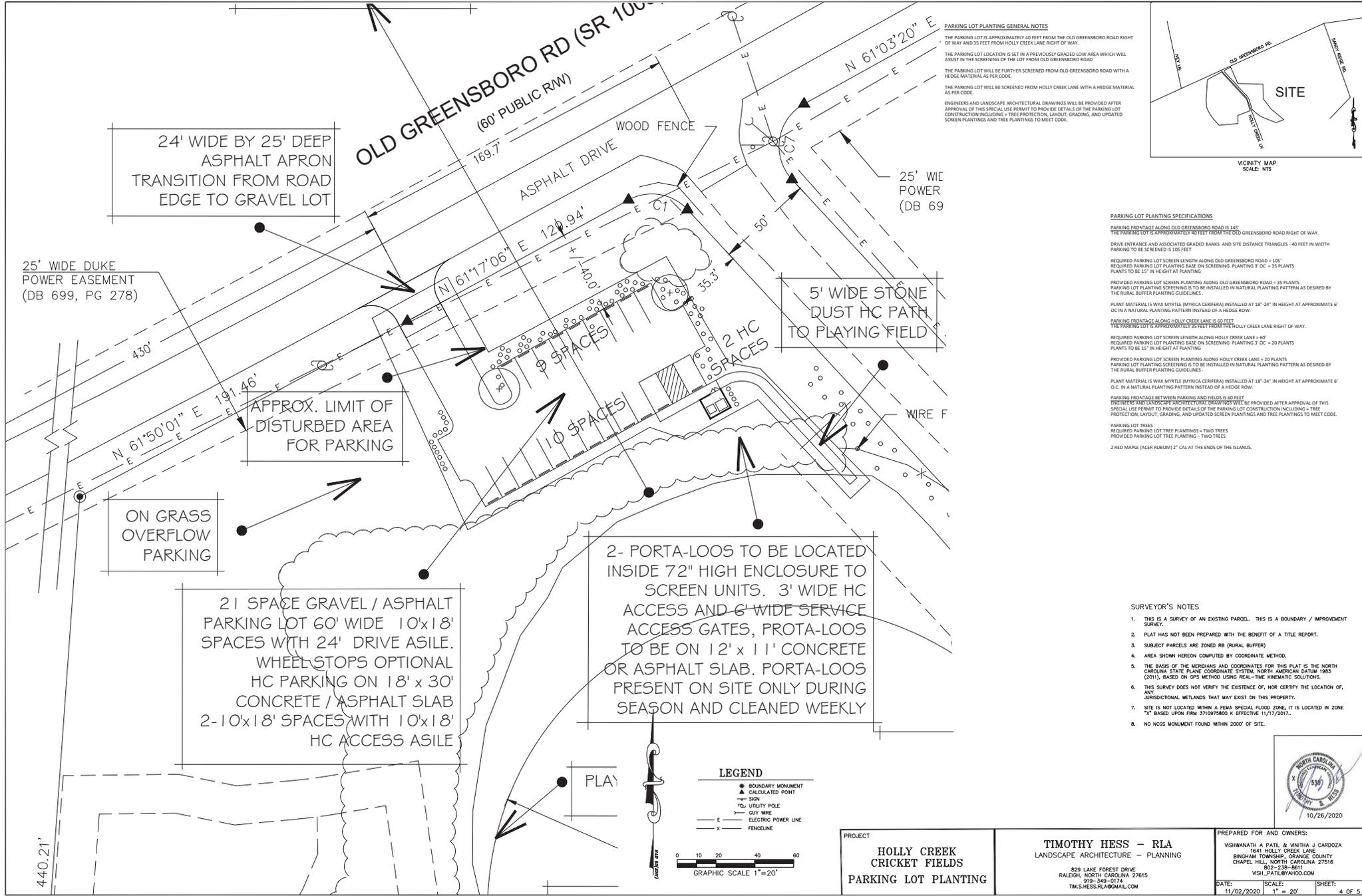
- SURVEYOR'S NOTES**
- THIS IS A SURVEY OF AN EXISTING PARCEL. THIS IS A BOUNDARY / IMPROVEMENT SURVEY.
 - PLAT HAS NOT BEEN PREPARED WITH THE BENEFIT OF A TITLE REPORT.
 - SUBJECT PARCELS ARE ZONED RB (RURAL BUFFER) WITH UNIVERSITY LAKE OVERLAY DISTRICT
 - AREA SHOWN HEREON COMPUTED BY COORDINATE METHOD.
 - THE BASIS OF THE MERIDIAN AND COORDINATES FOR THIS PLAT IS THE NORTH CAROLINA STATE PLANE COORDINATE SYSTEM, NORTH AMERICAN DATUM 1983 (2011), BASED ON GPS METHOD USING REAL-TIME KINEMATIC SOLUTIONS.
 - THIS SURVEY DOES NOT VERIFY THE EXISTENCE OF, NOR CERTIFY THE LOCATION OF, ANY JURISDICTIONAL WETLANDS THAT MAY EXIST ON THIS PROPERTY.
 - SITE IS NOT LOCATED WITHIN A FEMA SPECIAL FLOOD ZONE, IT IS LOCATED IN ZONE "X" BASED UPON FIRM 3710978000 K EFFECTIVE 11/17/2017.
 - NO COGS MONUMENT FOUND WITHIN 2000' OF SITE.



- LEGEND**
- BOUNDARY MONUMENT
 - ▲ CALCULATED POINT
 - SON
 - UTILITY POLE
 - GUY WIRE
 - E ELECTRIC POWER LINE
 - - - FENCING



<p>PROJECT</p> <p>HOLLY CREEK CRICKET FIELDS</p> <p>SITE PLANTING PLAN</p>	<p>TIMOTHY HESS - RLA</p> <p>LANDSCAPE ARCHITECTURE - PLANNING</p> <p>829 LAKE FOREST DRIVE RALEIGH, NORTH CAROLINA 27615 919-348-0174 TIM.SHESS.RLA@MAIL.COM</p>	<p>PREPARED FOR AND OWNERS:</p> <p>VISHWANATH A. PATEL & VINITHA J. CAROZZA 1841 HOLLY CREEK LANE BINGHAM TOWNSHIP, ORANGE COUNTY CHAPEL HILL, NORTH CAROLINA 27516 802-238-8611 VISH_PATEL@YAHOO.COM</p>	
		<p>DATE: 11/02/2020</p>	<p>SCALE: 1" = 60'</p>



PARKING LOT PLANTING GENERAL NOTES

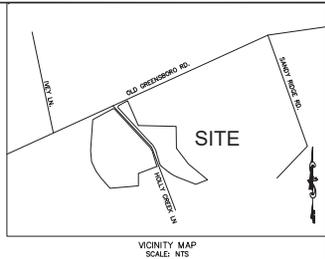
THE PARKING LOT IS APPROXIMATELY 40 FEET FROM THE OLD GREENSBORO ROAD RIGHT OF WAY AND 35 FEET FROM HOLLY CREEK LANE RIGHT OF WAY.

THE PARKING LOT LOCATION IS SET IN A PREVIOUSLY GRADED LOW AREA WHICH WILL ASSIST IN THE SCREENING OF THE LOT FROM OLD GREENSBORO ROAD.

THE PARKING LOT WILL BE FURTHER SCREENED FROM OLD GREENSBORO ROAD WITH A HEDGE MATERIAL AS PER CODE.

THE PARKING LOT WILL BE SCREENED FROM HOLLY CREEK LANE WITH A HEDGE MATERIAL AS PER CODE.

ENGINEERS AND LANDSCAPE ARCHITECTURAL DRAWINGS WILL BE PROVIDED AFTER APPROVAL OF THIS SPECIAL USE PERMIT TO PROVIDE DETAILS OF THE PARKING LOT CONSTRUCTION INCLUDING: TREE PROTECTION, LAYOUT, GRADING, AND UPDATED SCREEN PLANTINGS AND TREE PLANTINGS TO MEET CODE.



PARKING LOT PLANTING SPECIFICATIONS

PARKING FRONTAGE ALONG OLD GREENSBORO ROAD IS 345'.
 THE PARKING LOT IS APPROXIMATELY 40 FEET FROM THE OLD GREENSBORO ROAD RIGHT OF WAY.

DRIVE ENTRANCE AND ASSOCIATED GRADED BANKS AND SITE DISTANCE TRIANGLES - 40 FEET IN WIDTH PARKING TO BE SCREENED IS 105 FEET

REQUIRED PARKING LOT SCREEN LENGTH ALONG OLD GREENSBORO ROAD = 105'
 REQUIRED PARKING LOT PLANTING BASE ON SCREENING PLANTING 3' OC = 35 PLANTS
 PLANTS TO BE 15' IN HEIGHT AT PLANTING

PROVIDED PARKING LOT SCREEN PLANTING ALONG OLD GREENSBORO ROAD = 35 PLANTS
 PARKING LOT PLANTING SCREENING IS TO BE INSTALLED IN NATURAL PLANTING PATTERN AS DESIRED BY THE RURAL BUFFER PLANTING GUIDELINES.

PLANT MATERIAL IS WAX MYRTLE (MYRTICA CERIFERA) INSTALLED AT 18" 24" IN HEIGHT AT APPROXIMATE 6' O.C. IN A NATURAL PLANTING PATTERN INSTEAD OF A HEDGE ROW.

PARKING FRONTAGE ALONG HOLLY CREEK LANE IS 60 FEET
 THE PARKING LOT IS APPROXIMATELY 35 FEET FROM THE HOLLY CREEK LANE RIGHT OF WAY.

REQUIRED PARKING LOT SCREEN LENGTH ALONG HOLLY CREEK LANE = 60'
 REQUIRED PARKING LOT PLANTING BASE ON SCREENING PLANTING 3' OC = 20 PLANTS
 PLANTS TO BE 15' IN HEIGHT AT PLANTING

PROVIDED PARKING LOT SCREEN PLANTING ALONG HOLLY CREEK LANE = 20 PLANTS
 PARKING LOT PLANTING SCREENING IS TO BE INSTALLED IN NATURAL PLANTING PATTERN AS DESIRED BY THE RURAL BUFFER PLANTING GUIDELINES.

PLANT MATERIAL IS WAX MYRTLE (MYRTICA CERIFERA) INSTALLED AT 18" 24" IN HEIGHT AT APPROXIMATE 6' O.C. IN A NATURAL PLANTING PATTERN INSTEAD OF A HEDGE ROW.

PARKING FRONTAGE BETWEEN PARKING AND FIELDS IS 40 FEET
 REQUIRED PARKING LOT PLANTING SCREENING IS TO BE PROVIDED AFTER APPROVAL OF THIS SPECIAL USE PERMIT TO PROVIDE DETAILS OF THE PARKING LOT CONSTRUCTION INCLUDING: TREE PROTECTION, LAYOUT, GRADING, AND UPDATED SCREEN PLANTINGS AND TREE PLANTINGS TO MEET CODE.

PARKING LOT TREES
 REQUIRED PARKING LOT TREE PLANTINGS = TWO TREES
 PROVIDED PARKING LOT TREE PLANTING = TWO TREES

2 RED MAPLE (ACER RUBRUM) 3" CAL. AT THE ENDS OF THE ISLANDS.

- SURVEYOR'S NOTES**
1. THIS IS A SURVEY OF AN EXISTING PARCEL. THIS IS A BOUNDARY / IMPROVEMENT SURVEY.
 2. PLAT HAS NOT BEEN PREPARED WITH THE BENEFIT OF A TITLE REPORT.
 3. SUBJECT PARCELS ARE ZONED RB (RURAL BUFFER)
 4. AREA SHOWN HEREON COMPUTED BY COORDINATE METHOD.
 5. THE BASIS OF THE MERIDIANS AND COORDINATES FOR THIS PLAT IS THE NORTH CAROLINA STATE PLANE COORDINATE SYSTEM, NORTH AMERICAN DATUM 1983 (2011), BASED ON GPS METHOD USING REAL-TIME KINEMATIC SOLUTIONS.
 6. THIS SURVEY DOES NOT VERIFY THE EXISTENCE OF, NOR CERTIFY THE LOCATION OF, JURISDICTIONAL WETLANDS THAT MAY EXIST ON THIS PROPERTY.
 7. SITE IS NOT LOCATED WITHIN A FEMA SPECIAL FLOOD ZONE, IT IS LOCATED IN ZONE "X" BASED UPON FIRM 37109/0800 K, EFFECTIVE 11/17/2017.
 8. NO NGS MONUMENT FOUND WITHIN 2000' OF SITE.

LEGEND

- BOUNDARY MONUMENT
- ▲ CALCULATED POINT
- SIGN
- UTILITY POLE
- GUY WIRE
- ELECTRIC POWER LINE
- - - FENCING



PROJECT
**HOLLY CREEK
 CRICKET FIELDS**
 PARKING LOT PLANTING

TIMOTHY HESS - RLA
 LANDSCAPE ARCHITECTURE - PLANNING

829 LAKE FOREST DRIVE
 RALEIGH, NORTH CAROLINA 27615
 919-348-0174
 TIM.HESS.RLA@GMAIL.COM

PREPARED FOR AND OWNERS:
 VISHWANATH A PATEL & VINITHA J CARDOZA
 1841 HOLLY CREEK LANE
 BINGHAM TOWNSHIP, ORANGE COUNTY
 CHAPEL HILL, NORTH CAROLINA 27516
 802-238-8611
 VISH_PATEL@YAHOO.COM

DATE: 11/02/2020 SCALE: 1" = 20' SHEET: 4 OF 5





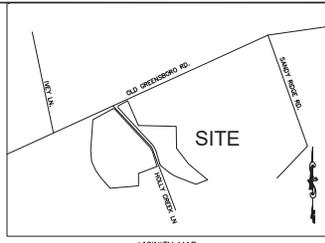
FUTURE PARKING AREA



BANK BETWEEN FIELDS



FIRST FIELD



VICINITY MAP SCALE: NTS



FIELD & FUTURE PARKING



FIRST FIELD & FUTURE PARKING



EXISTING APPLICANT'S RESIDENCE ONLY STRUCTURE

CURVE TABLE				
CURVE #	RADIUS	ARC LENGTH	CHORD BEARING	CHORD LENGTH
C1	25.00'	33.11'	N80°46'30"W	30.74'
C2	264.30'	119.43'	N29°52'10"W	116.42'
C3	125.00'	24.93'	S22°38'10"E	24.88'
C4	439.39'	131.48'	S60°07'20"E	130.99'
C5	75.00'	45.33'	S34°14'20"E	44.64'
C6	314.30'	141.99'	N29°52'00"W	140.79'
C7	25.00'	45.33'	S09°06'40"W	39.37'



SECOND FIELD OPPOSITE HOUSE

LEGEND

- BOUNDARY MONUMENT
- ▲ CALCULATED POINT
- SON
- UTILITY POLE
- GUY WIRE
- ELECTRIC POWER LINE
- - - FENCING



PROJECT
HOLLY CREEK CRICKET FIELDS
REFERENCE IMAGES

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1841 HOLLY CREEK LANE
BINGHAM TOWNSHIP, ORANGE COUNTY
CHAPEL HILL, NORTH CAROLINA 27516
802-238-8611
VISH_PATEL@FAHO.COM

DATE: 11/02/2020 SCALE: 1" = 60' SHEET: 5 OF 5

